

Landlords and Land Management in North-Eastern Scotland,
1750-1850

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ABSTRACT OF THESIS

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The changing structure of landownership in North-Eastern Scotland during the period 1667-1872 is considered and the main types of proprietorship outlined, with indication of the difficulties in classifying ownership. The sources of income and main classes of expenditure are considered, with discussion of the changing patterns. Short, medium, and long-term borrowing are outlined, with comment on the effects of the growth of banking and insurance companies. The structures of estate administration, with development of professional valuation and accounting procedures, are considered. The nature and development of administrative records for large and small estates are examined, with the background of estate administrators and their expectations and rewards. Consideration is given also to the effectiveness of management. Attention is paid to the complex changing legal environment and to economic fluctuations liable to reflect on the patterns of ownership and administration.

Appendices include estate accounts for the period 1784-1839 for one of the major collections of estates, estate rentals from 1750 to 1839 for two of the major collections of estates, illustrative material on estate administration, a guide to the Peers and Baronets connected with the area covered at the close of the period, and maps illustrative of the wide-spread influence of some of the professional administrators.

A biographical dictionary is given of estate-factors connected with the area in the period. Land usage for Aberdeen-shire for 1855 is examined, and for selected areas of varying geographical type over the period of study.

PREFACE.

Like the medieval Scottish poet, Gavin Douglas, Bishop of Dunkeld, I can now say "Heir is endyt the lang desparyt wark", though, unlike him I cannot claim "Now is my wark all fynyst and compleit." Without encouragement and assistance from friends, colleagues, relations and various scholars I would have been able neither to begin nor continue the research necessary for the present thesis. In the early stages assistance from Professor Gordon Donaldson, Sir William Fraser Professor of Scottish History and Palaeography at Edinburgh University, and from my father, were critical. My father's death occurred within a year of my commencing research, but long before that he had awakened in me the interest in the area involved and its development which spurred me to undertake the research. The continuing interest of my mother and other members of my family after I transferred to part-time study have encouraged me to continue the research amidst growth of other commitments.

The internal supervisors have been Dr. William Ferguson, Reader, Department of Scottish History, Professor T.C. Smout, Department of Economic History, and, latterly, Mr. John M. Simpson, Department of Scottish History. Their criticisms have sharpened my thought, while modifying the acerbity of some of my judgements.

With Dr. Ian Adams, Lecturer in Geography at Edinburgh University, I have shared an interest in Peter May, land surveyors and estate factor, and in those whom he trained, and with Mr. George Dixon in the planned villages of the North-East. Both have

been extremely generous in providing references which it would be impracticable to acknowledge at each relevant point in the text. Almost all references to the Aberdeen Journal were provided by Mr. Dixon, and I am deeply grateful.

A large number of papers in private hands and public collections have been used. On first citation of a collection I have normally given the title of the collection and subsequently have been content to ensure that, by the information in the text and notes, the items cited could be readily traced. To give the provenance on each citation would swell the notes inordinately and render superfluous the list of authorities. I am grateful to, among owners and their staff,:-

M.N.A. Brodie of Brodie
The Marquis of Bute and Miss Armet, his archivist
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Miss Rust, late archivist to the City of Aberdeen
Harold G. Tait, late Town Clerk of Elgin
Robert Wallace, late County Clerk and Treasurer of Inverness-shire.
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The staffs of Aberdeen University Library, Edinburgh University Library, the Signet Library, National Library of Scotland and National Monuments Record of Scotland have been unfailingly helpful. At the Scottish Catholic Archives the late Rev. William Anderson gave me much valued help.

Since 1968 I have been a member of the staff of Register House. My debt to my colleagues is immeasurable. The handlisting of the initial major deposit of Seafield Muniments from Castle Grant and

Cullen House was undertaken by Mr. Andrew Anderson, Curator of Historical Records, who also cooperated in the preliminary listing of a large collection of additional papers from the attics of the Cullen estate office. For three years I was involved in surveying for the National Register of Archives (Scotland), a section of the Scottish Record Office, and was enabled to maintain some progress on the thesis only through the support of John Bates, then Secretary, National Register of Archives, and Miss D.M. Hunter, Registrar. More recently Dr. Athol Murray and Dr. John Imrie, Keeper of the Records of Scotland, have given necessary encouragement. Much late night and weekend working has been involved in the preparation of this thesis and I have had the full cooperation of the custody guards in the Scottish Record Office, without which the work could not have been undertaken. To the conservation section of the Office I am also grateful.

I declare that the work of this thesis is my own, and that it has been composed by myself.

Ian D. Grant

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CHAPTER 1.
INTRODUCTION.

"And she went, and came and gleaned in the field after the reapers...So she gleaned in the field until even, and beat out that she had gleaned; and it was about an ephah of barley." [Ruth, Chapter 2, verses 3, 17].

The Scottish agricultural worker in 1750 in general cut his grain with a sickle and threshed it with a flail, as had Naomi in Biblical times. By 1850 he was almost certain to thresh it with the mill improved by Andrew Meikle, an East Lothian wright. Though it was still unlikely that he would harvest it with the reaping machine improved by Dr. Patrick Bell, an Angus clergyman, nearly universally the scythe would have supplanted the sickle. Local measures, moreover, of the outcome of the crop would have been replaced by standard Imperial Measure.

There have been a number of general accounts of the development of Scottish agriculture, notably "well-covered by J.A. Symon, Scottish Farming, Past and Present (1959), which is particularly good for the period 1689 to the present time."⁽¹⁾ James Edward Handley's Scottish farming in the eighteenth century has been described as "authoritative"⁽²⁾, and though "criticised as too gloomy and old-fashioned...these strictures seem exaggerated."⁽³⁾ His later book, The Agricultural Revolution in Scotland (1963) is less charitably described as "a series of loosely connected essays, some of which are valuable."⁽⁴⁾ That one should look for the most valuable modern discussion of agrarian change in the Lowlands to a periodical entitled Perspectives in American History is perhaps odd. Yet in 1973 that journal published a massive

article by Malcolm Gray on "Scottish Emigration: The Social Impact of Agrarian Change in the Rural Lowlands, 1775-1875." With ill-advised self-effacement he has made no reference to this major contribution, which has independently arrived at many of the conclusions of the present study, in his more widely-known "North East Agriculture and the Labour Force, 1790-1875" in A. Allan MacLaren's Social Class in Scotland, Past and Present (1976), and there is a danger that it may be missed, the article discussing more than the title indicates.

The coverage in general histories of Scotland, economic, social, or political, of agrarian life has been uneven. Henry Hamilton edited two selections from the estate papers of Sir Archibald Grant of Monymusk, Monymusk Papers, for the Scottish History Society, and Life and Labour on an Aberdeen-shire Estate for the Third Spalding Club, so should have been well equipped to deal with agricultural development. His Economic History of Scotland in the Eighteenth Century shows, however, little trace of his ideas having developed or modified since he published his pioneering The Industrial Revolution in Scotland (1932), long before he made any intensive study of estate muniments. His account is generally fairly cautious and non-committal, citing introduction of a number of important technological changes but rarely indicating how quickly thereafter these were spread widely enough to be significant. There is little added to this in most of the other recent histories. Although in his Preface to 'A History of the Scottish

People, 1560-1830' Professor Smout claims that he has "tried...

to give the broadest possible picture of...the social organisation and material conditions of life for the Scottish people between the Reformation and the eve of the Great Reform Bill...in a way that has not previously been attempted"⁽⁵⁾ his book should not be seen as a new exploration, but a competent survey from a traditional viewpoint. Vivid comparison is drawn between the poverty-stricken eighteenth century peasant operating on a communal basis, and the nineteenth century capitalist farmer. Considerable emphasis is placed on "newcomers to the landed classes...who not only had a wide experience of the polite world abroad but also capital...which they could splash in ostentatious display."⁽⁶⁾ We are told that "before 1740...changes were very slow indeed." Restriction is firstly made by class: "Practically all the earliest improvers were landowners: there was, indeed, no other class on the land with either the capital, the power or the mental horizons to attempt the transformation of local farming from a backward Scottish peasant model to an advanced English commercial one."⁽⁷⁾ Then matters are further narrowed within that class- only "exceptional landowners who tried to alter agricultural methods played a vigorous role as innovators and improvers."⁽⁸⁾ Particularly Smout excludes from the early improvers "the smallest gentry, and those who had no occasion for social contact with London or Edinburgh, or... later, with Aberdeen..."⁽⁹⁾

Besides the general studies of Scottish agrarian history, there have been a number of valuable examinations of particular subjects. The comprehensive nature of the bibliographies in most of the general

histories of Scottish farming render it necessary only to comment on those modern secondary works which I feel have been of special value to me, and to indicate areas which I believe have been neglected. The relevant books, articles and theses may be divided as studies of (1). the general nature and use of arable land (2).incorporation into arable land of waste (3). use of non-arable land for agricultural purposes (4). other relevant use of non-arable land (5). agricultural implements and techniques (6). agricultural chemistry (7). crop varieties in terms of breeding, suitability to intended place of growth, disease resistance, and relationship to other plants (8). selective breeding in animals and control of disease (9). agricultural buildings (10). agricultural workers (11). marketing and constraints thereon, and (12). the relationship between these developments in particular cases.

(1). Dr. B.M.W. Third's "The Changing Rural Geography of the Scottish Lowlands, 1700-1820",⁽¹⁰⁾ based principally on estate plans, is somewhat shallow and has been in large measure overtaken by the discovery of very considerable numbers of such cartographic products since her pioneering work. When she completed her thesis there were about 3000 plans in the Scottish Record Office- the total number at the end of 1976, though of course only a minority are estate plans, was just short of 35,000. About 200 surveys had been made of privately-owned collections of muniments in Scotland- by the end of 1976 about 1450 collections had been examined and listed. Most of the information from previous work on runrig and infield and outfield has been incorporated in R.A. Dodgshon's "Enclosure and farming improvement in Roxburghshire

Berwickshire in the eighteenth and early nineteenth centuries"⁽¹¹⁾.

(2). Both the treatment of arable land and incorporation of waste have been treated in Dr. Ian Adam's studies on land surveyors and division of commonities.⁽¹²⁾ The principal weakness of his researches has been that, though almost all commonities divided by judicial process are probably included, it is certain that a considerable number divided by agreement or arbitration have been omitted.

(3). The work of the late Dr. Victor Gaffney on transhumance⁽¹³⁾ has been followed by study by R.A. Gailey⁽¹⁴⁾ and M.D. McSween⁽¹⁵⁾ under Professor Richard Millar at Glasgow,⁽¹⁶⁾ but this has not greatly modified any conclusions reached by Gaffney, working within the geographical boundaries for this thesis.

(4). Professor M.L. Anderson's massive History of Scottish Forestry should be supplemented by George A. Dixon's articles in Scottish Forestry, 1975, which demonstrate much greater awareness of the value of forests in eighteenth century Scotland and activity in their preservation than Anderson would allow. Mr. Dixon had also written a large number of articles covering many aspects of the development of planned villages in North-Eastern Scotland in the late eighteenth and early nineteenth centuries, while these villages have also been the subject of a thesis by Douglas Lockhart which exploited a considerable number of collections of estate muniments.⁽¹⁷⁾

(5). Alexander Fenton's Scottish Country Life (1976) packs into a text running to little over 200 pages an astonishingly comprehensive study of many aspects of rural life, but particularly

the nature and use of developing farm implements and is likely to become an established classic.

(6). The Chemical Revolution, A Contribution to Social Technology (1952) by A. and N. Clow has, I have found, still considerable value, despite the later, but slighter, Scotland's Scientific Heritage (1962), by A.G. Clement and R.H.S. Robertson.

(7). Though there has been much written on the introduction of turnip husbandry and of sown grasses, and on the growing awareness of nutritional requirements of these plants, there has been much less discussion than its importance merits on crop varieties. The discussion in J.A. Symon's Scottish Farming is valuable, but clearly only provides a starting point for the investigation still required, an investigation, unfortunately, which would require considerable knowledge of plant genetics.

(8). Differentiation of stock breeds is simpler, and awareness of characteristics more widespread, than with crops. On sheep the articles by M.L. Ryder in Agricultural History Review, 1964-65, are of value, while for cattle William McCombie's Cattle and Cattle Breeders, which reached a fourth edition in 1866, could not be superseded by any modern work, though most of the breed societies have produced competent accounts of their major herds.

(9). Much more work requires to be done on Scottish farm buildings, but Chapter 10 of Alexander Fenton's Scottish Country Life deals well with traditional Scottish farm-housing and buildings and Sir John Sinclair and Professor David Low discussed with engraved plates and some repetition the non-traditional buildings which they wished to see erected.

10). Professor George Houston's "Labour Relations in Scottish Agriculture before 1870" in Agricultural History Review, vol.6 is interesting. While I am doubtful as to some of the conclusions on farm structure in Malcolm Gray's "North East Agriculture and the Labour Force, 1790-1875",⁽¹⁸⁾ it is generally both stimulating and soundly based. Margaret Goldie's "The Standard of Living of the Scottish Farm Labourer in Selected Areas at the time of the First two Statistical Accounts"⁽¹⁹⁾ does not add greatly to the information obtained by the Commons Select Committee on Agricultural Distress in 1836.⁽²⁰⁾

11). Dr. A.R.B. Haldane's work on droving, The Drove Roads of Scotland (Edinburgh, 1951) requires no commendation. His work on the Parliamentary Commissioners for Roads and Bridges, New Ways through the Glens (Edinburgh, 1962) has not, unfortunately, been matched by any similar study of turnpike and statute labour roads elsewhere in Scotland, but there is considerable evidence that improved communications elsewhere were as important as Haldane showed them to be in the Highlands.

Accounts of the application within a local context of general developments have been generally disappointing. Scotland has yet to produce articles in scholarly journals on tenant farmers such as D.J. Rowe's on the Northumberland Culleys.⁽²¹⁾ Andrew Cassels Brown's The Wilsons, a Banff-shire Family of Factors (1936) is a valuable account, but the fortunes of the family, since they became involved in distilling, were not typical. William Alexander's Sketches of Northern Rural Life in the Eighteenth Century (1877) is well known; less familiar to historians are his papers on "The peasantry of north-eastern Scotland", which appeared in the

United Presbyterian Magazine in 1884, and "The Making of Aberdeen-shire", read in 1888, published in Transactions of Aberdeen Philosophical Society in 1892, together with an outstanding lecture by John Milne "The Making of a Buchan Farm", published in Buchan Field Club Transactions, volume 1, which the latter inspired. Far more common are articles like that in a later volume of that Club's transactions, for 1931, where C.W. Sleight's comments on agriculture at Strichen were abridged to permit preliminary remarks on agriculture in ancient Mesopotamia, Greece and Rome (22). or James Grant's "Agriculture in Banff-shire 150 years ago", in Banff-shire Field Club Transactions of 1901-2, which gives little evidence of research in original materials and quotes extensively from Sir Archibald Grant's descriptions of Monymusk as evidence of the Banff-shire situation.

No pretence is made to survey in depth all aspects of change listed in the present study. Some I lack the technical expertise to discuss except in broad outline; for others there is insufficient source material to produce any valuable fresh discussion. It is generally accepted that the rate of change varied even between neighbouring parishes or estates. Any study to be exhaustive of all aspects, within viable compass, would cover an area so circumscribed as to raise doubts how far it was typical. The value of an intermediate level of approach has been well demonstrated in Malcolm Gray's book The Highland Economy, 1750-1850 which, in some measure inspired the present work, although it has developed along different lines. His work was "based as closely as possible on the statistical material available." (23). The

survival of estate papers and official records for the North-Eastern Counties is much more extensive than for the area he then covered. That included within my study has been principally the counties of Kincardine, Aberdeen, Banff, Moray and Nairn, though I have included the Inverness-shire properties of the Dukes of Gordon and the Ogilvie-Grant (Seafield) and Macpherson-Grant families, their property lying within and outwith the main area being under unified control. In addition to the rich collections of private muniments, particularly the Seafield, Richmond and Gordon, and Macpherson-Grant of Ballindalloch papers, I have made fuller use of a number of official sources than he found it possible to do. With this abundant material at my disposal I have not hesitated to examine at length topics which have seemed to me of major importance and on which initial examination raised doubts as to currently accepted thinking. Citation from manuscript material, if it is not to be garbled at the whim of the author, must frequently be at length, either in quotation or paraphrase. In consequence topics on which I do not dissent from standard views may have been, or may appear, comparatively neglected, and my disagreement with other students of agrarian change may seem extreme.

If I cannot hope to equal Gray's work "so commendably factual and detailed" whereby "he has been able to present a comprehensive and detailed account of the Highland economy in the century 1750-1850" I can take comfort in the reviewer's opinion⁽²⁴⁾ "...not even... [it]...can include reference to all the topics relevant to this

subject." By rigorous examination of my selected topics I hope to show development of land tenure and use in North-Eastern Scotland followed a different pattern from that hitherto generally perceived as common to Lowland Scotland. Further research will be required to establish how far this reflects variance from the norm, or how far the pattern of change throughout Lowland Scotland has been imperfectly comprehended. Conscious though I am of major gaps I hope the present work can avoid the devastating criticism made by the most famous alumnus of Aberdeen Grammar School of another work:-

"Tis pleasant, sure, to see one's name in print;
A book's a book, although there's nothing in't." (25).

CHAPTER 2.
THE STRUCTURE OF LANDOWNERSHIP.

When Domesday Book was compiled it was claimed 'so thoroughly was all this carried out that there did not remain in the whole of England a single hide or virgate of land or an ox or a cow or a pig which was not written in that return.'⁽¹⁾ Unfortunately official interest in the structure of landownership has not been maintained in succeeding centuries and historians have been driven often to generalisations, conjecture, or despair. The author of the leading work on English landownership in the eighteenth century ⁽²⁾ describing the structure of landownership in 1790 emphasises 'the figures are mere guesses, and are based on the calculations of contemporaries who themselves had no very accurate means of arriving at their estimates.....' The author of the equivalent volume for the nineteenth century describes a Parliamentary Return of Landowners in Britain (excluding London) in 1872-73, published in 1874, as 'the only solid point of reference in a sea of conjecture.'⁽³⁾ Despite the difficulties involved those active in English agrarian history have seen it necessary to examine the structure of landownership, their interest being thus explained by Professor F.M.L. Thompson ⁽⁴⁾:-

"With a different system of social values and a different set of political arrangements, there might have been no great landowners with the spare resources to sponsor canals, sink pits, and run furnaces. This of course would have been no insupportable loss, since their industrial operations were scarcely decisive or indispensable. It would have been of more moment if, say by the mid-eighteenth century, England had been all gentry estates and there had been no great estates. The gentry by and large had less room for manoeuvre in estate management than did the great owners. The margin between their personal and family outgoings and their gross incomes was smaller, they had proportionally less available for investment, they were less able to incur the risks and perhaps temporary losses of altering farm sizes, they could not employ such well-qualified agents, they tended to exact higher rents per acre leaving less incentive to tenants with initiative. In all, the expansion of agricultural output and efficiency, even if, as was the case, its chief direct agents were tenant farmers, would have been less than in fact occurred."

The major sources used in England in discussing structural change have been land-tax assessments and tithe commutation records. The use made in Scotland by historians of cess rolls has been limited; use of teind records has been negligible. Cess rolls have formed the source material of a recent and important study by Mrs. Loretta Timperley.⁽⁵⁾ They earlier provided the base for tables in Sir John Sinclair's General Report of the Agricultural State and Political Circumstances of Scotland, described by him as 'drawn up from the best information that could be procured, regarding points of such extent and intricacy.'⁽⁶⁾ Within carefully defined limits Sinclair's work is useful. The statistical inadequacy, however, of any approach which purports to give the number of Scottish landowners and classify them as aristocrats, landlords and bonnet-lairds by aggregating taxation rolls compiled on a county by county basis should require no demonstration. The record must be described as a record of properties, not of landowners, since a proprietor might hold lands in several counties. An owner's property was more likely to be split between several shires where small counties intermingled in lowland areas and more likely to appear as a single major unit in counties with larger areas and highland borders. In some counties the feuars in burghs of barony were treated as a quasi-corporate owner; in others they were listed singly. With only a passing slighting reference to Sinclair as caution to the reader there may be statistical difficulties, the

summary figures for Scotland, where error is greatest, have been quoted in the crucial discussion on structure of landownership in the most widely-read work on modern Scottish economic and social history.⁽⁷⁾ The author does, however, warn that disparate growth in land values throughout Scotland since the original valuation materially diminishes their evidential value.

This factor, however, comes far short of obliterating the evidential value of valued rents. The study of a small county materially lessens the labour involved but increases the risk that this will be unrepresentative of the country as a whole. I have therefore concentrated on Aberdeen-shire, the largest county wholly within the limits of the study and sixth largest of the 34 old Scottish counties. The sources, methodology, and detailed outcome of this study may be seen in Appendix 17.⁽⁸⁾

It will be seen that between 1667⁽⁹⁾ and 1771 a large proportion of the county passed into the effective control of the wealthy landlords and landed aristocracy. From holding under 30 per cent of the county in 1667 they had advanced to hold about 50 per cent by 1771. This occurred despite considerable damage to the fortunes of many of the principal families in the 1667 valuation. Some families seem to have suffered through one rash act. By 14 May 1668 Robert Irvine of Fedderat had died; Alexander Irvine of Fedderat, his son, had been escheated, and John Irvine of

Artamford, presumably acting on behalf of the Irvines of Drum of whom Fedderat were cadets, and who recovered the lands, had made an agreement with the donee of his escheat.⁽¹⁰⁾ In 1690 the Earls of Dunfermline were escheated as Jacobites. The family of Forbes of Tolquhoun were sufferers from investment in Darien and their estates were eventually sold in bankruptcy in 1716. The estate of Forbes of Monymusk was similarly sold in bankruptcy by 1713. The Earl Marischal, Earl of Panmure, Earl of Mar, the families of Keith of Ludquharn and Fraser, Lords Fraser, were forfeited after the 1715 Rebellion, although the Earl Marischal and representatives of the Earls of Panmure and Mar were later to recover part of their losses. Charles Gordon of Terpersie was executed after the 1745 Rebellion, while Lord Pitsligo was attainted for his participation. Others suffered gradual attrition of the family fortunes through indiscretion or misfortune. Though the family of Erroll are still shown as leading proprietors in 1771 James Hay, 15th Earl of Erroll, who then held the estate, having succeeded through the female line his grandaunt in 1758, was already in the financial stress which was to lead to sale of much of the property during the minority of his son, George Hay, 16th Earl of Erroll. The Jacobitism of Charles Hay, 13th Earl of Erroll, of Mary Hay, Countess of Erroll, 14th holder of the peerage, of the Earl of Linlithgow and Callendar, maternal grandfather of the 15th Earl, attainted for support of the 1715

Rebellion, and of William Boyd, Earl of Kilmarnock, father to the 15th Earl, executed after the 1745 Rebellion, ensured that the family enjoyed little in pensions or favours from government over a lengthy period. The family of Irvine of Drum were involved in a minor way with both the 1715 and 1745 Rebellions but their downfall resulted from a series of discreditable and probably fraudulent transactions intended to evade an entail of the estates. These were followed by one of the most expensive and complex of eighteenth century Scottish litigations, the "Drum Cause". The outcome of the enormous lawsuit was a finding that the entail, the first to be registered in the Register of Entails, was invalid. The family of Forbes, Lord Forbes, was damaged financially by the marriage on 3 September 1720 of William, 14th Lord Forbes, to Dorothy Dale, whose dowry vanished in the South Sea Scheme and other speculations of that year. Her husband died in 1730 and their only son, Francis, 15th Lord Forbes, in 1734. Two daughters survived childhood, Jean, who married Colonel James Dundas of Dundas, and Elizabeth, who married Professor John Gregory, the anatomist. Dorothea Dale drew a considerable jointure from the estate and the daughters also had interests. James, 16th Lord Forbes, brother to the 14th Lord Forbes, left in turn a widow on his death on 20 February 1761. With these burdens, and the maintenance of his own family, it is not surprising Lord Forbes's estates had, on 17 January 1770, to be

brought to sale. They sold for £19,360 to a syndicate, Lord Forbes himself purchasing, in terms of a later decret-arbitral between those involved, the lands in the parish of Forbes at £6300, while Dorothea Dale, Dowager Lady Forbes, agreed on 2 January 1771 to restrict her security to these lands.⁽¹¹⁾ In the period between 1667 and 1771 there had, therefore, occurred the complete loss of estates by, or substantial damage to the holdings of, 17 of the 25 major private holders of estates at the beginning of the period.

The gaps in the ranks of major landowners chronicled were partly filled by existing families of middle rank who expanded their holdings and partly by those who, beginning with little capital, succeeded through a combination of expertise and good fortune in acquiring land. A commentary by Sir Hrothgar Habakkuk on the Royalists who contracted debts in the Civil Wars has a relevance which is

profound, though not immediately totally apparent:-

"The misfortunes of these families were the more significant because they were not rapidly resolved by their disappearance from the ranks of landowners. Even the most debt-ridden families were an inconscionably long time dying...The greater staying power of landed families was not, of course, a feature peculiar to those who had fought for the king. It was due to three developments which during the seventeenth century had affected landowners in general: the growth of the mortgage market, the extension of family settlement, and the recognition by the courts of the debtor's equity of redemption. Because of these developments, a given burden of debt was much less likely to lead to rapid sale of property in the late seventeenth than in the late sixteenth century. In the earlier period debts produced sudden crises in family history and perhaps abrupt extinction, in the later period, debt was more like a⁽¹²⁾ chronic disease which took a long time to eclipse a family."

The equivalent Scottish developments have frequently been ignored or misunderstood by historians, and will be discussed at greater

length later. Briefly, however, the substitution of heritable bonds for wadsets in which the creditor enjoyed immediate possession of the lands parallels the growth of the mortgage market; entails resemble the English strict settlement, while bonds of provision frequently replaced the earlier wadsets or outright grants of lands in favour of younger children; and the substitution of adjudications for apprisings parallels the English recognition of equity of redemption. Developments in favour of debtors are necessarily adverse to creditors. The result of those noted was to create to a considerable degree contingent interests in estates, delaying in many instances the distribution among the creditors of a bankrupt landowner of the outcome of judicial sales of the property. They created situations in which purchasers of estates sold in bankruptcy would often pay only a small part of the price at the initial purchase, retaining the remainder to service jointures or other annuities secured over the estate. The creditors, in order to avoid lengthy delays in securing payment, could also frequently be prevailed upon to compound with the purchaser their claims to be ranked on the estate, and assign to him their debts. Obviously in managing such matters legal skill was valuable, and this is reflected in the extent to which many of our present major landowners owe their holdings to the shrewd speculation and elastic consciences of their ancestors in the late seventeenth and early eighteenth centuries.

The new purchasers were also assisted by falling interest rates and rising rents. The interest on heritable security by the Laird of Grant around 1700 was 6 per cent. By 1770 money was being borrowed, often on personal security, at 5 or $4\frac{1}{2}$ per cent, and some

at 4 per cent.⁽¹³⁾ It has been stated that the general level of rent in Scotland remained stationary from 1700 to 1750.⁽¹⁴⁾ Full investigation is difficult, since where there were grassums and services it is not always clear they have been considered.⁽¹⁵⁾ The frequency with which, in the middle decades of the eighteenth century attempts were being made to establish older valuations of teinds renders doubtful the assertion that rents had not generally risen.

The rise of many of the new major landowners can be directly linked to the decline of families aforementioned. The most spectacular accessions of fortune by 1771 were those by the Earls of Aberdeen, the Fergussons of Pitfour, the Duff family, the Gardens of Troup and the Grants of Monymusk. The second Earl of Aberdeen, with Patrick Duff of Premnay, engaged in the purchases of the estates of Culter, Auchtercuil and Drum which ruined the family of Irvine of Drum.⁽¹⁶⁾ The major accessions of property by the Fergussons of Pitfour came from the territories of the Earl Marischal, particularly Inverugie.⁽¹⁷⁾ On 29 April 1759 William Duff, already Lord Braco, was created an Irish Earl, as Earl Fife. His father, during the Earl's youth, acted as a merchant in Inverness and his grandfather, Alexander Duff of Keithmore, was a wadsetter in Banff-shire, who acted as factor on part of the estates of the Marquises of Huntly, later Dukes of Gordon.⁽¹⁸⁾ The most fortunate enhancement to the family fortune was the purchase from Lord Dun and Lord Grange of the major part of the property of the Earls of Mar in Aberdeen-shire. These lands, forfeited after the 1715 Rebellion, were purchased by them as Trustees for the family and resold to reduce

the burdens on the Clackmannan-shire estates which the family also held. William Lorimer, sometime tutor and later adviser to James Grant, younger of Grant, was to write in 1763 that 'Lord Fife paid but £1200 sterling for all Lord Mar's Woods in Aberdeenshire, and they yield him now from 500 to 600£ sterling a year'⁽¹⁹⁾, the message reinforcing Lorimer's observation in 1762 that Lord Fife had 'purchased them so cheap from Lord Erskine and his Guardians...and now would not sell them for £50,000 Sterling.'⁽²⁰⁾ Alexander Garden of Troup and Sir Archibald Grant of Monymusk jointly enjoyed from 1728 to 1764 a highly profitable lease from the York Buildings Company of the bulk of the Panmure, Southesk and Marischal Estates.⁽²¹⁾ In stating that, following his expulsion from the House of Commons, Sir Archibald Grant 'certainly succeeded in redeeming both his fortune and his historical reputation by his farming'⁽²²⁾. Professor Smout probably exercises insufficient scepticism, for, though Grant may have boasted of the efficacy of his farming operations it is hazardous, as has been shown with Coke of Norfolk, to take at face value the statements of an agricultural propagandist.⁽²³⁾ The York Buildings Company Lease, public offices for Grant⁽²⁴⁾, and a number of his close family, and the notorious pursuit of wealthy women by Grant when a widower⁽²⁵⁾, collectively may well have been of greater significance than agrarian operations on his own estates in restoring his fortune.

The drastic reduction in the number of smaller lairds shown between 1667 and 1771 results largely from the development in borrowing already noted—substitution of heritable or personal bonds for wadsets. The wadsetters escape mention in Dr. William Ferguson's Scotland, 1689 to the Present. Nor do they appear in

James Hunter's The Making of the Crofting Community, a work, admittedly, in my opinion, written with more crusading zeal than adequate analysis soundly based. (26). The treatment of the wadsetters by Dr. Smout is more satisfactory, but not completely so. Their existence is recognized. He notes that at times they themselves farmed land; in other (but probably few) instances they leased out all the property they held in security and lived on the rents. He states that 'they cannot exactly be described as peasants. However, since they failed to establish heritable right to their tenure they cannot properly be called landowners either.' (27). Their anomolous position, discussed further in the next chapter, creates difficulty. They were treated by contemporaries as landowners and gentlemen, being granted coats of arms, the legal mark of gentility, paying taxes as landholders, inheriting their rights according to the rules of heritable succession, themselves burdening with debt or granting assignations to the wadsets, and charging on them provisions in favour of wives and children. Most of the wadsets when renounced had been extant for several generations, many for well over a century. Clear evidence can be adduced that a number of wadsetters within the North-Eastern counties had made permanent improvements to their holdings. There is, however, evidence that the uncertainty of their tenure was less conducive to improvement than tenure without reversion. By ignoring the existence of the wadsetters, or suggesting they were purely middlemen when most farmed extensively, it becomes much simpler to contrast the substantial lowland tenant farmer of nineteenth century Perth-shire or Aberdeen-shire with wretched and ignorant peasantry, or to portray the Highland sheep-farmer as occupying lands possessed from immemorial time by generations of small tenants. Writing of Sinclair's discussion of landownership

in 1814 Professor Smout, in an analysis which would be accepted by most Scottish economic historians, states:- (28)

"We can be sure that a high proportion of the total proprietors had only become landowners since 1750: we cannot know how high, nor can we be quite sure whether there was a much greater number of landowners altogether than there had been a century before, for many old families had apparently gone to the wall in the fifty years before 1815. Such families perished under a burden of debt incurred partly because they were expected to keep up much higher personal standards of comfort than had been the case in the past, and creditors knowing the potentiality of good land neglected for lack of capital or initiative were probably less inclined than formerly to be merciful to the extravagant."

Comparison of that analysis with the Aberdeen-shire experience between 1667 and 1771 provides some similarities, but also striking contrasts. Although, if assessment for land-tax may be taken as a fair touchstone of ownership, there is evidence of decline in holding by the smaller owners, it would appear this occurred largely because major landowners were able to buy out wadsetters. Some of the families whose possessions increased greatly were not notable for frugality, and their rise seems to have resulted from shrewd investment of capital where this was becoming more readily available. Some doubt must linger as to Professor Smout's assumption that, from the close of this period, conditions in the capital market became more difficult, an assumption important to his analysis.

In 1798 the Younger Pitt provided for the redemption of the land-tax by the proprietors of the burdened lands, the scheme being finally adjusted by an Act of 1802. (29). A careful revision of the names on the Aberdeen-shire valuation roll was then made for the copy to be transmitted to Exchequer as the basis for redemption. (30). This shows very little change from the 1771 valuation, mainly a decline in corporate ownership, explicable simply in terms of sale of the York Buildings Company property. It may be argued that, in

listing only the major private landowners, I ignore the possibility that widespread ownership changes were taking place at a lower level. Dr. Smout has written that "...Thanks partly to the policy of the House of Lords and partly to the grip of the Scottish laws of perpetual entail from 1684, the newcomers were unable to collect the necessary quantity of land and influence that would have raised them to the peerage. Consequently a marked dichotomy arose between the nobility and the small or middling gentry- the former of old family, owning large estates, usually involved in politics in London and therefore necessarily largely absentees, the latter including all the newcomers...who usually lived most of the year either on or close to their estates."⁽³¹⁾ Professor Smout probably exaggerates the importance of the Entail Act of 1685, as we shall see other writers have done. Equally, though it is true that wealth and electoral influence were expected in those promoted to the peerage it was thought to be only the Younger Pitt who "started the policy of introducing the nouveaux riches into the House of Lords in place of 'those great commoners of high alliance and venerable antiquity, out of which the peerage was formerly recruited'."⁽³²⁾ And even he, it has been pointed out, of 'the denizens of Lombard Street and Cornhill...recommended but one- Robert Smith, the banker, who became Lord Carrington.' One might point out that even the immensely wealthy Thomas Coutts, the royal banker, two of whose daughters, by a domestic servant he had married, wed the eldest sons of Prime Ministers, and whose widow, an actress, married the Duke of St. Albans, received no peerage. Sir William Forbes, the Scots banker, is said to have been offered an Irish peerage by Pitt in 1799, but he

held a baronetcy dating from 2 April 1626.⁽³³⁾ The grouping of Scottish burghs following the Act of Union meant that only the very greatest of the Scottish magnates could control even the return of a single member and to produce an electoral influence in Scotland similar to that of Edward Eliot, Baron Eliot of St. Germans, or of Sir James Lowther, Earl of Lonsdale, would probably have been beyond the resources even of a Duke of Buccleuch or Hamilton. In so stating I do not forget that Sir Laurence Dundas, younger son of a Stirling-shire minor laird who was an Edinburgh draper, was said to dispose of eight or nine places in Parliament, but these included English borough seats and were generally precarious. A rental income rivalling that of the Duke of Gordon, and fortune of £900,000 was not enough to obtain for him a peerage; his son received a peerage in 1794, his grandson an earldom in 1838, and his great-great-grandson the Marquessate of Zetland in 1892.⁽³⁴⁾ In what sense the House of Lords is alleged to have intervened to make difficult the acquiral of land by those not already of the landed classes I have been unable to discover. In their application of the law of entail, presumably the point at which they could most powerfully intervene, they seem to have favoured generally the creditors in declaring invalid a number of tailzies, such as that of the Drum estates, entered into in good faith. The alleged dichotomy between politically active absentee great landowners and personally present resident small or middling gentry I also find in some measure suspect. Even by 1850 of the 45 peers and baronets connected with North-Eastern Scotland only 19 had London addresses with 4 with addresses in Edinburgh.⁽³⁵⁾ The parliament which began on 10 November 1747 and which was dissolved on 6 April 1754 was in session less than

half the year⁽³⁶⁾., while even that of 18 November 1847-1 July 1852 normally prorogued for five months each year.⁽³⁷⁾ The proprietors of small to middling estates in many instances held property, but obtained or continued employments necessitating absence elsewhere in Britain or in the expanding British colonial holdings. Moreover, even at the level of small to middling properties, I have been unable (although I have exhausted the Aberdeen-shire Particular Register of Sasines throughout the timespan of the thesis) to find that any substantial proportion of their holdings was passing from the traditional private owners during the period to 1815. A substantial proportion of sales of land which did occur were, it is true, to the classes traditionally believed to have penetrated the landed gentry in the later eighteenth century- East India adventurers, West Indies planters, military and naval officers possessed of booty- or prize-money, government contractors, lawyers, merchants and bankers. But a substantial part of land sales were also by these incoming classes and ignorance of what seems clear in Aberdeen-shire, that properties changed hands more rapidly among the incomers than among established families (minor as well as great), may explain the widespread belief that penetration by newcomers was more extensive than I think to be the case.

Several factors, in my view, contribute towards the phenomenon of numerous purchases by newcomers without extensive displacement of old-established families. Firstly, a high proportion of the land sales to merchants which occurred concern the underdeveloped lands in the vicinity of Aberdeen which the town began to dispose of in 1748⁽³⁸⁾., the properties in Belhelvie held by the York Buildings Company, commonly held between major landowners but reckoned in unimproved state of little value, and small estates surrounding the

burgh which had always tended to be subject to a high turnover of families. Secondly, many of those who became landowners were still, in the years between 1771 and 1802, allowed to retain a large part of the price to meet annuities on the estates or because the seller did not immediately require the whole price. Thus, for instance, in the sale on 19 June 1795 of the small estates of Blelack, Tillypronie and Allerbog in the parishes of Logie Coldstone and Migvie to William Gordon, a Dundee vintner, the purchaser retained £8000⁽³⁹⁾. and on the sale to Charles Fraser, merchant in Leith Walk, Edinburgh, on 15 July 1797 of lands in Culsamond parish, he was allowed to retain £6200 of the price.⁽⁴⁰⁾ It was only in 1769 and in augmented form in 1771 that the Rev. Richard Price, D.D., F.R.S., published his major works on the valuing of life annuities and the gradual acceptance and refinement of his suggestions, marking a considerable advance on earlier estimation of probability of life expectancy, made it much simpler to compound for interests of creditors with contingent claims. Many purchasers, before it became general to clear existing burdens at purchase and consolidate commitments with a new institutional creditor, resold their lands without ever clearing the whole secured debt after a comparatively brief tenure. The lands in the parish of Peterhead, for instance, purchased by Thomas Mackay, an Arbroath merchant, from Francis Garden of Troup on 4 September 1795, were sold on 5 May 1800 to James Ferguson of Pitfour.⁽⁴¹⁾ Some purchases seem, indeed, to have been made to provide heritable security for dependents without any intention to retain permanent possession of the lands. Mountpleasant, in Peterhead parish, on which James Sim had sasine on 27 July 1802, was burdened on 8 January 1803 with

an annuity of £80 to his wife, and disposed on 24 May 1803 under burden of £1600 to meet the annuity.⁽⁴²⁾ Thirdly, as has been pointed out by Dr. T.M. Devine⁽⁴³⁾, many of those among the colonial merchants (and it might be added successful army and naval officers) were drawn from the landed classes- indeed since probable success was related to capital available as well as to luck and initiative this was almost inevitable.

Despite Dr. Devine's work I am convinced that the pattern of transfer in the Aberdeen-shire land market I have found, with relative stability in the later eighteenth century, reflecting as it does what he slightly describes as 'very much the established convention of English agrarian history', is widely applicable within Scotland.⁽⁴⁴⁾ Work on the records of the Court of Session has made it clear that even at the beginning of the nineteenth century the collapse of the Ayr Bank was still distorting the land market in the Glasgow area and South-Western Scotland with which Devine was principally concerned. The record of appointment of judges in judicial ranking of creditors demonstrates the extent to which peers or baronets were facing new major financial difficulties in the period from 1745 down to Sinclair's Analysis, indicating this to be more limited than has generally been supposed.⁽⁴⁵⁾ The most sensational claim for turnover in ownership of land in a Scottish county has been made for Roxburgh-shire between 1750 and 1815- the author cited, son of the minister of Hawick at the commencement of the period and himself minister of Jedburgh at its close, should have known accurately the true picture- yet, tested against evidence of undoubted authenticity, he is clearly wrong.⁽⁴⁶⁾

The supposed invasion of the ranks of the landowners by the

new men, willing to risk capital where the old proprietors were unwilling to do so until goaded by their example, has become so much an orthodoxy of Scottish economic history of the eighteenth century that even to express doubts seems to preach heresy. Yet it is accepted generally, and is undoubtedly true, that the borrowing of money by existing landowners should have become easier as the value of land, and their income from rents, rose, unless those with capital to invest preferred lending to the state, were willing to take greater risks by lending to merchants, manufacturers, bankers, turnpikes or canals, or themselves spent on agricultural improvement. Undoubtedly rash expenditure by a landowner could outstrip the willingness even of creditors with funds to make them available; but in general tenure should have been more, rather than less, secure. To suggest that investment in nature long-term occurred because of increasing instability seems a peculiar perversion of classical economics, so my heresy is perhaps more traditional than has been the recent orthodoxy.

In comparing the 1872 figures (47). with those from earlier times the different basis of compilation must be emphasised. These, the Parliamentary Returns earlier referred to, collected at the instigation of Lord Derby and commonly known as 'the New Domesday Survey' were compiled by Inspectors and Surveyors of Taxes of the Inland Revenue. They were, as regards Scotland, founded on the annual Valuation Rolls for rating purposes, not on the old valued rent. Each county and municipal burgh with population exceeding 20,000 was taken separately, thus including in the figures the smaller royal burghs previously excluded. The number of owners of land holding less than one acre, aggregate estimated acreage of their property, and total gross annual value are given.

An alphabetical list is given of landowners holding an acre and above, with their addresses, estimated acreage held, and gross annual value. When the rise in the number of small properties with inclusion of towns, and listing as owners of tenants holding long leases, clergymen, and schoolmasters holding for life, is allowed for the pattern looks little changed from that of 1802, though with a rise in holdings by corporations, institutions and commercial enterprises.⁽⁴⁸⁾ I have examined, as far as possible, the background to all 106 landowners shown in the 1872 survey as holding lands yielding more than £1500 per annum in Aberdeen-shire. From the standard reference works 77 of these proprietors descended from those who had been landed proprietors before 1750, mostly in possession of the lands they held in 1872. Two other proprietors possessed by inheritance from those who had held the properties by 1771 and probably by 1750, John Gordon of Craigmyle and Eustace R. Burnett Stewart of Crichtie and Dens. The dates and method of acquiral of two other properties are untraced, those of James Shepherd of Aldie and Mrs. Ann Gordon of Glasgoforest, the latter being after the publication of the New Statistical Account. Those by James Baird of Auchmedden, Duncan Davidson of Overboddam, William Leslie of Nethermuir and George Thomson of Pitmedden I can only place as in or after 1855.⁽⁴⁹⁾ Table 1 shows the chronology of acquisition of the remaining 21 landowners' holdings by the purchaser from whom they passed by descent or gift to the holder in 1872.

Aggregating the 1872 holdings of the incomers or possible incomers to the ranks of the medium or larger private landowners it will be found they amount to £73,206.70p., less than 14 per cent of the total holding by landowners in these classes. Even assuming that a very much higher proportion of the land held by smaller landowners was held by newcomers (and it must be remembered that

old families could move down into the ranks of small landowners just as incomers could move up) the bulk of land must have remained in the possession of old landed families. On an extreme supposition that half of the lands held by small lairds, two-thirds of the lands held by bonnet-lairds and the whole lands held by corporate bodies, institutions and commercial firms in 1872 were purchased by them since 1750, two-thirds of the county would remain in the hands of those coming from what had been landed families in 1750.⁽⁵⁰⁾

In discussing hypothec, game laws and meliorations the Aberdeen-shire tenants in the 1870s and 1880s commented unfavourably on the great economic leverage the large proprietors had at their command. They did not overstate their case. Ninety of the proprietors of land in Aberdeenshire appear in John Bateman's 'acreocracy'.⁽⁵¹⁾ The gross annual value of their holdings in Aberdeen-shire was about £488,962, while they held land valued annually at £369,092 elsewhere in Britain and Ireland. Their total holding exceeded by £6538 the valuation (£851,516) of Aberdeenshire which had in 1871 a population of 244,603.⁽⁵²⁾ In other respects the pattern, which has been several times repeated in English historiography,⁽⁵³⁾ that estimates based on literary sources are demonstrated to be considerably exaggerated when quantification is applied, emerges.

On 10 July 1717 Alexander Brodie, later the Lord Lyon, wrote to his elder brother, the Laird of Brodie, as to the 'different Actors on the Theatres of Great Families, the Beginner, Advancer, Continuer, and Ruiner.'⁽⁵⁴⁾ The Aberdeen-shire experience suggests that the number of proprietors falling in the last category was less than has been assumed (or that effective methods existed to diminish their scope for dilapidation).

A profligate landowning class has possibly been assumed through "weakness in Scottish economic and social history...in exploring new ground or borrowing new tools even where their worth has been well tested furth of Scotland."⁽⁵⁵⁾ If land within Scotland was not, within the century between 1750 and 1850, passing to enterprising newcomers at a greater rate than in other ages a simple and attractive explanation for the spread of agrarian change must be discarded. We may, however, be the less reluctant to do so since it is clear that, if the structure of landownership in England which experienced extensive similar transformation in the same period altered, it altered little. To posit as a major influence in bringing change a factor absent elsewhere where similar change occurred requires strong evidence. Until this is produced we may only conclude, with the early seventeenth century writer, "this explanation resembleth the riddle of the Sphynx".

TABLE 1.

INCOMERS BY PURCHASE TO MEDIUM OR LARGER OWNERS IN ABERDEEN-SHIRE, 1750-1872.

The Table shows the 21 Aberdeen-shire Landowners in 1872 whose lands are known to have been acquired by purchase at the dates given between 1750 and 1872, though they may have passed by gift or descent to the actual holder listed in the 1872 Return. They show the first substantial acquisition of land in Aberdeen-shire, and, of course, further purchases may have been made at later dates.

Holder in 1872.

Acquiral.

- 1). John Burnett Craigie of Linton. Purchased 23 February 1751 by John Burnett, merchant in Aberdeen (56).
- 2). James W. Gordon of Cairness. Purchased 1752 by George Barclay, merchant in London (57).
- 3). Alexander M. Gordon of Newton. Purchased 1785 by Alexander Gordon, merchant, Tobago, from creditors of Alexander Davidson, younger brother to George Gordon of Gight (58).
- 4). Captain Alexander Chambers Hunter of Tillery. Purchased by his family in 1788 (59).
- 5). Trustees of Alexander Simpson of Collyhill. Purchased by that family 2 November 1792 (60).
- 6). Alexander Morrison of Bognie. Purchased by that family 12-15 December 1796 (61).
- 7). Edward Fraser of Williamston. Purchased by that family 15 July 1797 (62).
- 8). George Shirra Gibb of Cults. Succeeded under entail of George Symmers, who purchased Cults in 1804 (63).
- 9). James Gordon of Manar. Purchased in 1808 by Hugh Gordon, of the East India Company's Service, who died 11 July 1834 (64).
- 10). Major Andrew Gammell of Countesswells. Purchased 1808 by James Gammell, merchant, Greenock (65).
- 11). James Gammell of Ardiffery. As no. 10.
- 12). William McCombie of Easter Skene. Purchased in 1816 by Peter McCombie (66).
- 13). William Kilgour of Tulloch. Purchased in 1820 (67).
- 14). Peter Duguid of Bourtie. Purchased 2-12 June 1827 (68).
- 15). James Bruce of Inverquhomry. Purchased 2 June 1828 (69).
- 16). Robert Simpson of Cobairdy. Purchased 20 June 1835 (70).
- 17). Andrew Murray of Allathan. Purchased 9 May 1846 (71).
- 18). Alexander McNab of Techmuiry, distiller. Purchased 16-19 July 1853 (72).
- 19). Trustees of George Baird of Strichen. Purchased 1855 (73).
- 20). Trustees of Christina Mackenzie of Foveran, youngest daughter of Roderick Mackenzie of Glack. Purchased 1857 (74).
- 21). William Batchelor Coltman of Deskrie and Blelack. Purchased 11 May 1865. Also held land in Lincoln-shire (75).

CHAPTER 3.
VARIETIES OF LANDOWNERSHIP.

My alternative model of the development of agrarian change is complex and in some measure tentative. We are dealing not with one revolution, but many. There is, without doubt, a scientific revolution, a management revolution, a transport revolution, and a financial revolution, while arguments have also been advanced to suggest as significant an ill-defined 'revolution in manners' combining religious, cultural and educational elements. Progress of one revolution is inextricably intertwined with another and it is not my intention to separate them out. Rather I would wish to show that circumstances were opportune for them favourably to interact and that the pattern of effective ownership of land in Scotland promoted change. While I have no wish to play in Scotland Dr. Eric Kerridge's role in English agrarian history,⁽¹⁾ I believe the extent of development before 1750 to have been considerably greater than has generally been allowed, advance thereafter, therefore, taking place from a broader base than widely assumed.⁽²⁾ I believe also that the alleged restraining forces on development have in some instances been exaggerated and the opportunities for external influences on management of properties remaining in the hands of established families underestimated.

When David Hume, Professor of Scots Law and later Baron of Exchequer, wrote his Lectures on Scots Law he referred to wadsets as "a sort of right which was once right frequent in the practice of this Country,- but is much less used now than formerly,- unless it be as a means of creating freehold qualifications, and not as an instrument of security for money really lent and advanced."⁽³⁾ William Lorimer was resolutely opposed to the system. He noted:-

"Lord Breadalbane told me he had many Wedsetters on his Estate, but none now, he had paid them all off- he call'd them Oppressors of the Poor.- Thank God, said he, I am now Master of all my own Estate. This System continues full in Argyll-shire and the Islands, where the principal Tenants or Wedsetters live like Lairds and the poor subtenants and Cottars are almost Slaves, which makes them fly to Edinburgh and become Porters and Chairmen- there are none of these from the North, or the Low Countries, where there is greater Liberty and more Equality- the same cause for the Porters from Ireland to London, where Oppression of the above kind is greater than in the highlands of Scotland by the Lands being subsett 3 or 4 times."(4).

It is irrelevant to the present research to consider how far Lorimer was accurate in pinpointing those parts of the country outwith the area of the present study in which the old order applied.

Subsequent research has largely endorsed his observation that:-

"Most of the Wedsetters were originally younger sons of the Family to whom the Laird gave a share of the Estate as their Patrimony to keep them in the Country, and be ready to assist him in the military Style."(5).

He listed carefully the wadsets still extant on Strathspey in 1763⁽⁶⁾. and a comparison with the map will demonstrate that they were still a significant form of tenure. Lorimer clearly establishes, however, that a policy of redemption had been adopted before 1750:-

"When Sir Ludovick came to the Estate, near one half of it seems to have been wedsetted- by redeeming these Lands he must have contracted a great deal of the Debt that now affects the Estate- but it was a noble Scheme- for some of these Wedsetts he paid at the rate of 10 per Cent, now he pays but 5.

It was unlucky that he granted Prorogations in 1752, but at that time he was obliged to pay the Great Debt incurr'd by Sir James's being Surety for the family of Houston, by which he could neither pay nor bully the Wedsetters. And the Debts contracted during the Rebellion by paying his men, and keeping up a numerous Company of Nobility and Gentry who took Sanctuary in his house, stuck to him likeways.

The Wedsetters formerly had Servitudes on the Woods, but in 1752 they renounced these, and have no more Wood than Mr. Grant is pleased to allow them." (7).

The policy of restricting the powers of the wadsetters was far older than Lorimer realised. The contracts of wadset follow closely the pattern of the style-books. Of even date, 28th of February 1715, with a wadset by Brigadier-General Alexander Grant

of Grant to Donald Grant of Tullochgriban and Robert Grant, his son, of the lands of Glenbeg and Craggan, there is a supplementary agreement discharging the right of garthing, but providing an alternative. The agreement stipulated:-

"The said Robert and his foresaids shall be obliged to doe competent diligence for preserving of the woods of Craggan and Glenbeg except for the use of the Bigging of the wadset lands and labouring of the ground according to the rules to be made thereanent. And likewise that what Industrie and pains the said Robert Grant and his forsaisds shall make upon the said lands and bigging by deiking, ditching, incloseing and mason work the said Robert Grant shall gett payment thereof at him or his foresaids their removeing by the Incoming Tennands or wodsetters and that at the estimatione of four neutrall men of the neighbourhood."(8).

Although as late as 1742 the Duke of Gordon granted a heritable bond with tack of certain lands as security for the interest, a device closely akin to the wadset, to John Gordon of Glenbucket,⁽⁹⁾ this occurred as exception to a general policy of redemption of wadsetts. This was frequently accomplished with the erstwhile wadsetter remaining in possession as tacksman, the wadset sum being converted into a personal bond or heritable bond bearing interest, and no redemption money passing. The adoption on the Duke of Gordon's estates, since Cosmo George, 3rd Duke of Gordon inherited while a minor, of professional auditing of accounts, makes it possible to follow back systematic extinction of wadsets on that estate to the 1730s, while also demonstrating that tracing extinction would be a considerable task on any major estates lacking either exceptionally well-arranged accounts or detailed and careful arrangement of title-deeds. With the Gordon estates we find, for instance, that a renunciation by George Grant of Drumbulg of his wadset was registered in the Particular Register of Sasines for Aberdeen-shire on 22 December 1735; the Particular Register of Sasines for Banff-shire contains on 10 June 1736 a resignation by Colonel John Grant of Carron of a wadset of 1677 over part of

Strathavon, and on 22 June 1741 by George Cumming of Recliettich; the General Register of Sasines at Edinburgh shows on 9 July 1737 the redemption of Gaich and Brucklands, and on 12 August 1740 a renunciation by John Gordon of Auchanachy; all three registers have, at the appropriate period, no index. (10).

The continuance of the wadset as a political device renders it difficult to state when it ceased to be significant in terms of land usage; and even the little which has been written about wadsets has betrayed confusion. Citing John Erskine's Institutes R.J. Adam (11), has written "Where a superior [rectius reversor] failed to repay at the end of the stipulated term, the wadsetter could, after forty years, exclude any repayment and hold by prescription." Had all wadsets not redeemed within the prescriptive period after the first term of payment passed to the wadsetter the pattern of landownership in later eighteenth century Scotland would have been very different from that actually found. But George Dallas of St. Martin's Stiles (p.717), which presumably laid the groundwork on which most contracts of wadset were laid (and certainly all I have examined conform to the style-book in this respect) provided for redemption

"at the Term of Whitsunday-even ——— years, (to the whilk Term, all Requisition for the said principal sum is suspended) or at any other Term of Whitsunday-even thereafter the said G.S., his said spouse and their foresaids please to have the same upon the Requisition of fourty days of before."

The appropriate period, therefore, for the running of prescription was not from the earliest possible date of redemption, but from a requisition, and it is extremely unlikely that in more than an insignificantly small number of instances a reversor or his creditors permitted wadsets to pass by prescription.

Similar in effect to the substitution of heritable bonds

bearing a fixed rate of interest for wadsets was the replacement by fixed provisions for widows of kenning of terce or deeds of locality. The subject is extremely complex since the power to make provisions was frequently in question- discussion could range over technical objections in the execution of the deed making provision or earlier deeds, sources of finance for purchase, and capacity to execute a deed, particularly where fraudulent lesion was alleged. Each dispute had its own peculiarities, but that concerning Margaret Udney Duff, described in an Appendix,⁽¹²⁾ illustrates how involved such embroglios might be, while falling well short of the intricacy of any of the eighteenth century causes célèbres. Where an early effective entail had been executed by the beginning of the nineteenth century provision allowed for widows and dependants had often become totally inadequate. On 1 July 1814, for instance, Anthony, Earl of Kintore and his Curators obtained decree reducing the provision made under a deed of 21 September 1808 to his mother as exceeding the amount laid down by the entail of 23-27 February 1694. That had restricted the maximum provision to 50 chalders victual or 5000 merks Scots annually [£277.77p], but he was unsuccessful in his claim that where the value of 50 chalders of victual and 5000 merks differed his mother should receive the smaller.⁽¹³⁾ A Memorial of 20 February 1810 for the Countess of Findlater explains that by the entail of the Findlater estate not more than 10,000 merks Scots per annum could be provided her, but this would be more valuable if settled as locality than otherwise. The Earl, from whom she was estranged, would not even go to the limit permitted by the entail (without granting it in form of locality lands) insisting on the finality of an ante-nuptial marriage contract with even more limited provision.⁽¹⁴⁾

Where the desire was to maximise the provision and the titles were restrictive deeds of locality continued to be granted, as, for instance, those in favour of Martha Jordan, wife of Robert Udny, and Selina Cleveland, wife of John Udny, on which sasines were registered in 1793 and 1794.⁽¹⁵⁾ The 'Aberdeen Act' (5 George IV, c.87) which made augmented provision for granting maintenance to the wives, husbands and children of proprietors of entailed estates seems to have rendered obsolete the deed of liferent locality. With the exceptions of purchased estates where the purchaser was childless and estates held under old entails, it can be said that the tendency to grant a widow control of land, where her interest could frequently be at odds with that of the heir, had, when compared to earlier Scottish practice, materially diminished well before 1750 in favour of provision of a fixed amount with control falling to the heir.

The developments above outlined relate to legal practice before 1750, but there are also grounds for arguing that a number of progressive legal enactments in seventeenth century Scotland provided a framework for later change. Obviously many are irrelevant to the present chapter and where clearly significant will be discussed elsewhere in this study. For obvious reasons the 1669 "Act anent incloseing of Ground"⁽¹⁶⁾. and two Acts of 1695, the "Act anent lands lying Runrig"⁽¹⁷⁾. and the "Act concerning the Dividing of Commonities"⁽¹⁸⁾. have tended to be discussed together. These are still current law as "The March Dykes Act, 1669", "The Runrig Lands Act 1695" and "The Division of Commonities Act 1695". The first clearly is restricted to mutual obligations and the last principally to common ownership, although in operation the Act had frequently to deal with servitudes,

mutual obligations, as well as property. Fortunately the problems of the nature, proprietary or mutual, of runrig do not concern us. Considerable attention having been paid to these acts in a number of recent scholarly works, it is sufficient to stress that the impact of the acts was not confined to those instances where actions were brought before the courts under them.⁽¹⁹⁾ Regulations of 29 April 1695 severely limiting scope of reduction of decreets-arbitral, probably best considered as delegated legislation,⁽²⁰⁾ provided a means whereby the work of the courts could be supplemented, while even the expense of arbitration could be saved if the possibility of effective, but expensive, legal action brought voluntary agreement and compromise.

Without whittling in course of the seventeenth century of the powers of the royal burghs in favour of grants of burghs of barony and private fairs and markets to landowners, the grants often being ratified in Parliament, the emergence of the planned village, an important though sometimes exaggerated element in the development of agrarian change, would have been inhibited.

Dr. Alexander Cormack's Teinds and Agriculture, published in 1930 in the wake of the union of the Established Church of Scotland and the United Free Church, was not intended as a definitive study. There are some inaccuracies and the book fails to make it clear that only a very small proportion of actions before the Teind Court were reported. It does, however, make clear the important advantage Scotland obtained by allowing landowners at an early date to have their teinds valued and to purchase these from the titulars. This point was also made at length in George Robertson's View of the Agriculture of Kincardine-shire.⁽²¹⁾ Extended discussion of the work of the English Tithe Commissioners,

appointed in 1836, over two centuries after beginning of statutory provision for fixed valuation of teinds in Scotland, has taken place. Their appointment was, of course, coeval with the Select Committee on Agricultural Distress before which much was made of the contrasting burden of English and Scottish tithes. That Scots historians should pay little attention to valuation and redemption of the teinds, which was in Scotland piecemeal, is little to be wondered at. It is unclear, however, why this omission has been unnoted by English-trained historians, who might be expected not only to point out developments in which England gave a lead, notably "enclosure and the Norfolk four-course"⁽²²⁾ but also those wherein Scotland set an example to her southern neighbour.

In arguing that restraining forces on development have been exaggerated I am not here concerned with the reformers shrill and repeated complaints as to superstitious conservatism of the Scottish peasantry. I am concerned with the general view of the effect of the Entail Acts. That under certain circumstances they could be a powerful disincentive to improvement I would be far from disputing.

The minister of Udney reported in January 1840:--⁽²³⁾

"Most of the land is entailed, and the proprietors are restricted from giving leases for more than nineteen years, and also from giving more than one year's rent at the end of the lease, for houses, fences, drains, etc., in short for all improvements. These restrictions were long acted up to by the proprietors, but have been as much as possible departed from by them for several years, and many of them, at their own risk and expense, give great encouragement to industrious tenants."

The alleged restriction on length of leases should be compared carefully with Montgomery's Act of 1770 (10 George III, c.51). The Act permitted improving leases, regardless of the terms of the entail, which leases could be for 31 years, or for 14 years and

a named life in being at making of the tack, or for two named lives in being at making of the tack. Up to 40 arable acres could be included in any one enclosure. It is difficult to work out probable cost of enclosure which would meet the Montgomery Act criteria. Average arable acreage of farms exceeding £10 rental both in Aberdeen-shire considered separately and in the North-Eastern counties from Kincardine-shire to Nairn-shire considered together was in 1855 between 65 and 66 Imperial acres⁽²⁴⁾. or about 52 Scots acres. Though popular tradition asserts that some of the enclosure by landowners under entail was deliberately carried on extravagantly because of ill-feeling towards their heirs (particularly in respect of dykes round policy), it is unlikely unnecessary waste was incurred in normal enclosure by tenants. The cost of labour rose steeply during the Napoleonic Wars and therefore the cost of enclosure. The cost of a common Galloway drystone dyke of 5 feet height was, according to Sir John Sinclair,⁽²⁵⁾ 9 shillings per fall or rood, though he also gives a number of cheaper modes of enclosure. Assuming the tenant undertook complete responsibility for enclosure of the arable in 10 acre fields, approximately square, the capital cost would have been £270, giving an annual interest burden of about 5 shillings (25 pence) per Scots acre.

English experience was that it was comparatively rare for a landowner's whole property to consist of settled estate, without separate funds, and this is reflected in the Scottish North-Eastern counties. While a proprietor could not burden the heir of entail with improvements undertaken by the tenants, unless these had been made in accordance with the restrictive provisions of Rutherford's Act, they could be compensated out of his separate

funds. Since Aberdeen's Entail Act of 21 June 1824 (26)

permitted burdening of an entailed estate to considerable degree with provisions without insisting on prior exhaustion of separate funds these would, had the landowners so wished, have been available for meliorations. Even before that measure there may be noted the celebrated dispute, in which liability for meliorations was only one of a myriad of contested matters, between Thomas Alexander Fraser of Strichen, created in 1837 Lord Lovat and restored in 1857 to the Scottish peerage of Lovat, and Archibald Thomas Frederick Fraser of Abertarff, an illegitimate grandson of Colonel Archibald Campbell Fraser of Lovat, described succinctly in Joseph Mitchell's Reminiscences (27) and at much greater length in the printed law reports. In some measure, however, the landowners sheltered behind the law of entail, and ignorance of this may explain the minister of Udny's remarks. Such a charge may seem a heavy one against the owners, but evidence can be cited. On 11 December 1819 Alexander, Duke of Gordon, was served heir of entail to the estate of Durris. (28) In March 1830 his testamentary Trustees

discussed meliorations on that estate:-

"But a letter addressed addressed by Mr. Alexander Scott as agent of His Grace the Duke of Gordon to Mr. Paul of date the 25th of March having been laid before the Committee, they find it contains a proposal for effecting a complete arrangement of these claims which appears to present a very great probability of relieving the Trust Estate in the safest and most beneficial manner possible. Mr Scott therein urges on the trustees the expediency of getting the claims of the tenants settled immediately, before a sale of the estate, and explains his view in the following terms:-

'The trustees can never make so good a bargain with these tenants as at this moment. A general idea prevails among them that the Duke is not liable, and they only trust to his honour for reimbursement. Many of them, if not the whole tenantry, would **willingly** for a present payment forego a great part of the present value of their claims; and from all I have heard I am almost certain that the Duke could settle matters at one half less than the late Duke's Trustees.' (29).

Such a technique could occasionally misfire. Colonel Francis

William Grant, Curator to the Earl of Seafield, his brother, found it necessary on 11 November 1831 to obtain opinion of the Dean of the Faculty of Advocates that his brother's estate would be validly charged with money he had borrowed as Curator even if he predeceased his brother, a rumour to the contrary effect having spread and created difficulty in obtaining money. (30)

More important, however, on the evidence from the North-Eastern counties, than miscalculation of the restrictive nature or otherwise of the Entail Acts has been the doubtful calculations which have been made of how much land was validly and effectively entailed. Much of the discussion of the effects of the Entail Acts has shown a tendency to accept suspect sources at face value. J.R. MacCulloch, the economist, in his notes to his edition of Adam Smith's

Wealth of Nations, stated:-

"That while the valued rent of Scotland amounts to £3,804,221 Scots the valued rent of the estates under entail amounts to £1,213,279 Scots. According, therefore, to this statement, it would appear that, in 1811, the period to which the estimate refers, about a third part of the landed property of Scotland was entailed, and as about a third part of the entails on record have been executed since 1811, it may be fairly concluded, that the entailed lands must now amount to about a half of the whole." (31).

Perhaps his extreme estimate would have been modified had he read the advice of the Juridical Society to Scots conveyancers:- (32)

"In order to carry through the entailer's purposes of transmitting a free and unincumbered estate to his heirs of tailzie, it is necessary that all his debts be paid, otherways, whatever was his free property must be affectable by his creditors, in the same manner as if no entail had been made.

Sometimes there is a reserved power in graemio of the deed of entail, to sell as much land as will pay such debts; and this is often left to the institute to accomplish. But it appears, that, in this way, there is a good deal of room for frauds:- For instance, an elusory sale may be made of a great part of the estate, far below its real value, under the pretence of paying the entailer's debts, which would thereby become disunited from the tailzied lands.

The method of executing a disposition in favours of trustees at the same time with the entail itself, for the purposes of clearing the estate, seems therefore to be very eligible, and is a method approved of by those versant in such transactions."

Besides questions of invalidity, exhaustion of heirs in entails, and sales for the entailer's debts, it should be noted that in many instances what was being entailed was the naked superiority of the lands, not the ownership in any meaningful land-usage sense. If McCulloch's estimate is extreme it is clear that others have also been misled- James Edmund Handley accepts an estimate of about a third of the country as entailed in discussing Montgomery's Act,⁽³³⁾ Professor Smout's comments have been already quoted, and Dr. William Ferguson refers to "the strict entails which fettered so much of their land."⁽³⁴⁾ Recently Dr. N.T. Phillipson has written that the law concerning entails 'has never received the attention it deserves.'⁽³⁵⁾ Since the bulk of the estates both of the Earls of Findlater and the Earls of Fife, early improvers in the North-Eastern counties, were entailed it may be suggested the law of entail was frequently not the reason but the excuse for inaction. Further research is indeed needed, but it may lead to different conclusions from those which Dr. Phillipson clearly expects. The subject is strewn with pitfalls for the unwary- a deed of entail might, for instance, place a personal obligation on an heir succeeding thereunder while being ineffective against a creditor or purchaser. It is suggested such lands should in no sense be considered validly entailed since obligations equally onerous could be laid otherwise than by deed of entail upon the successor. No more than a guess may be hazarded, but my experience of the North-Eastern counties would suggest that at passing of Rutherford's Act of 1848⁽³⁶⁾,

permitting under certain conditions disentail, less than half the registered entails were effective to bind the possessors of the estate. The evidence of Sir John Sinclair,⁽³⁷⁾ on which all the most inflated estimates have been based, is not unbiased. Restrained by entail from sale of any part of his lands to finance the frequently impractical schemes he had devised, he was shortly after publication of his General State compelled to place his personal affairs in hands of a Trustee.⁽³⁸⁾

External influences on management of properties could operate both through the nominal landowner and through others. The implicit assumption having been made by some of the contemporary writers and most historians that the only sources of change were the nominal landowner and those chosen by him as his agents to effect change in a manner he had predetermined has directed study into certain narrow channels. Great industry has been displayed in demonstrating that improving landowners were educated in England, or attended parliament at Westminster, employed English servants, or married English wives. In many instances writers have been incautious or accidentally misleading. When Professor Smout writes that:-

"Grant of Monymusk was an exception, having been expelled from the House of Commons for a disgraceful fraud involving the funds of a charitable society, he began to take the respectable operations of husbandry much more seriously" (39),

he inadequately represents what must have been his source, from which I have drawn contrasting extracts:-

"During this period of experimentation Sir Archibald Grant had resided mostly at London...but he kept himself fully informed of progress and all the time exercised continuous supervision. In 1734 he returned to Monymusk heavily burdened with debt...It would be unfair to attribute his reforming zeal to this fact alone, for he had been interested in agricultural improvements before 1720..." (40).

It cannot be safely assumed that the employment of English servants was in general as successful as has been thought. On 22 November 1765 James Ross, Cashier to the Earl of Findlater, paid

the expenses of travel of Philip Girling, brought by Findlater from Norfolk.⁽⁴¹⁾ On 6 March 1769 Findlater petitioned the Annexed Estates Commissioners stating he was to send Girling back to England at Whitsunday 1769, but Girling wished to stay and take a farm in Scotland. It is clear Findlater was unwilling to find him one on his own estates.⁽⁴²⁾ Richard Crawshaw was more fortunate on Findlater's estate in that he was actually granted a farm, the Mains of Colleopard. But within a few years the landowner was seeking advice from Henry Dundas how far a power in the lease to resume the farm for the landowner's own use could be used to expel Crawshaw with a merely nominal resumption, the land being swiftly allocated to another tenant.⁽⁴³⁾

It has generally been assumed that intermarriage with the English aristocracy or quasi-aristocracy would inevitably bring benefits. Quotation of the judgement by William Lorimer, the estate historian, concerning the early marriage of Brigadier-General Alexander Grant of Grant to Anne Smith, daughter to John Smith, Speaker of the House of Commons, urges caution in so assuming:-⁽⁴⁴⁾

"She was a most expensive woman, would only live at London, where she obliged her husband also to live, and had she lived long, she had ruined the Estates of Grant. The Brigadier being either with his Regiment, or at London with his second wife, for many years committed the management of his Estate to Commissioners, who took things as they found them, without making any Improvements, but on the contrary getting Leases and other favours, and Advantages for themselves, and under them the Baillie and Chamberlain disposed of every thing, ruined the tenants, and enrich'd themselves."

Had it remained the case that Commissioners or Trustees when estates were under them were more concerned with self-aggrandizement than agricultural improvement, the fashionable approach ascribing

changes to the predilections of nominal owners would be unassailable. Even at a later period accusations of self-interest were made against Commissioners or Curators. Thus Philip Barrington Ainslie, who acted for many years as Commissioner for his brother-in-law, the 10th Earl of Moray, caused his principal large losses by rashly investing his money in speculations in which Ainslie was also interested.⁽⁴⁵⁾ Colonel Francis William Grant, later 6th Earl of Seafield, was alleged to have managed the estates of his insane elder brother, Lewis Alexander Grant, 5th Earl of Seafield, so as to benefit himself as heir to the estate at the expense of the heirs to the 5th Earl's moveable estate.⁽⁴⁶⁾ So to act was, however, to risk a hostile action of compt and reckoning before the Court of Session, and in few instances had Trustees and Curators named any dealings with the estate whereby they might be personally benefitted.

The composition of a trust by a landowner usually followed a standard pattern and ensured that they were unlikely to leave matters as they found them. In a testamentary trust the widow was usually a trustee, provision sometimes being made that she should cease to act if she remarried. The family law-agent was usually a Trustee. In the case of lesser families this would be a country writer, but in the great families there would be an Edinburgh Writer to the Signet, though the country agent was sometimes also included. The influence of the agents has in recent years attracted some attention, and the subject is further dealt with in Chapter 8. Respected near relations were included, and others known for their business acumen, experience in estate management, or supposed pull in patronage. Agreement to act was not normally obtained at the time of naming of the trustees and many named as testamentary trustees declined acting, often because a trust could function

adequately without their presence. The composition of Commissioners named on 30 April 1771 by the 7th Earl of Findlater and 4th of Seafield (with a quorum of two) is not untypical:-(47)

Mary, Countess of Findlater, his mother

Thomas, Earl of Kinnoull, his father's cousin, an agricultural improver.

Alexander Garden of Troup, friend of his father and an agricultural improver.

Robert Barclay of Ury, similarly a friend of the 6th Earl of Findlater and agricultural improver.

Theophilus Ogilvie, Collector of the Customs at Aberdeen, apparently illegitimate son to 7th Earl's granduncle.

James Philp, advocate, Judge of Admiralty, the 5th Earl of Findlater having been Vice-Admiral of Scotland, while John Philp, father to James Philp, had been servant to the 4th Earl of Findlater.

John Ross, Professor of Oriental Languages at King's College, Aberdeen, formerly tutor to the grantor.

John Davidson, Writer to the Signet, Edinburgh Agent, at one period jointly with Hugh Warrander, Writer to the Signet, to the Findlater family.

While Trusts or Commissions were most common where estates were in minority or where the nominal owner intended a lengthy foreign residence, we have already seen their use for other purposes, as when it was intended to entail part of an estate. On 15 December 1795 Sir James Grant of Grant, Lewis Alexander Grant his eldest son

having become insane, nominated no less than 24 Trustees

"being deeply impressed with the afflicting situation of Lewis Alexander Grant...and the embarrassment that might ensue to the affairs of my estate was the succession to open to him while in that situation and while my other sons next in succession are in minority or out of the country." (48).

Operation of a Trust was in that instance avoided, there being difficulties with a later nomination of Trustees, and those named, on advice of 19 April 1811 of the Dean of the Faculty of Advocates, declining acting.⁽⁴⁹⁾ But such trusts were formed, and actually operated, where the heir was deemed unfit to manage the estate, though far short of insane. As early as 27 August 1789 Captain John Macpherson of the Invereshie family wrote as to George, later 5th Duke of Gordon:- "The Marquis is a pleasant young man- but at any period of my life I would have had no chance at the bottle

with him."⁽⁵⁰⁾ When Alexander, 4th Duke of Gordon, died it was found his estates had been left in Trust, the 5th Duke not being included among the Trustees, though provision was made for him to receive from them a large annual allowance.⁽⁵¹⁾

Instances could also be cited of trusts by landowners for behoof of creditors. In a few instances the whole estates were sold. More commonly a portion was sold, since, for reasons to be examined in Chapter 6, it was unlikely that borrowing would reach levels requiring a total sale. Occasionally the whole estate was preserved to the owner. The pattern down to 1790 was generally for several trustees to be named for behoof of creditors and to act jointly. From about that time, possibly under the influence of practice with statutory mercantile bankruptcies, though not as a result of direct statutory provision, the nomination of a single lawyer or accountant as trustee became customary. On 12 January 1828, for instance, William Brodie of Brodie granted a Trust Disposition in favour of Thomas Robertson, whom failing James Brown, accountants in Edinburgh, as Trustees for his creditors.⁽⁵²⁾ Mercantile bankruptcy law played an even more direct role after the Bankruptcy (Scotland) Act of 1838. When the affairs of the Marquis of Huntly became embarrassed in 1839 the nominal governorship he held of an insurance company and bank in Aberdeen brought him within the ambit of the statute as "Banker, Insurance Broker and Underwriter."⁽⁵³⁾ Donald Lindsay, accountant in Edinburgh, already Trustee in a voluntary Trust for creditors by the 6th Duke of Argyll, was elected Trustee in a statutory trust for creditors and managed the estates until the death of the Marquis in 1853. He had, of course, the assistance of the

local factors, whom he continued, and of his own clerks, notably George Auldjo Esson, trained as a writer in Aberdeen, later appointed first Accountant in Bankruptcy in Scotland of the Court of Session under the Bankruptcy Act of 1856.

What was the significance of such Trusts? Evidence will later be cited that alterations made under their aegis were either irreversible or at least were not reversed. Were such trusts uncommon, their introduction of changes would be of little concern to us. But, though little attention has been paid to them, they were not rare in occurrence. Few major estates in North-Eastern Scotland remained throughout the period of study in hands of their nominal owners. Only the Campbells of Cawdor, of the major families involved, seem totally to have escaped minority, insanity or insolvency of the owner. Even there John Campbell, 1st Lord Cawdor, inherited the fee of the estate when only 13 and his grandfather, who retained the liferent, died when he was only 22. The assorted fates of the other families may be seen in Table 2; it is only necessary to add that though details of minorities are clear it cannot confidently be stated that all trusts in bankruptcy or insanity have been traced. The situation in North-Eastern Scotland seems to be reflected throughout Scotland. If one may assume that among the peerage and baronetage morbidity was no greater in 1850 than in earlier times, indeed was probably substantially lower, the probability of an estate falling under trust is shown to be high. 25 out of the 81 Scots peers inherited their titles while minor and 26 out of the 74 Nova Scotia baronets for whom dates of birth and inheritance are given were also minor at inheriting their titles. It will be seen that, discounting even bankruptcy and insanity, or absence, it was probable in course of a century any given estate

would pass through the hands of Trustees.

Some of the implications of such Trusts will be looked at later. For the present it need only be suggested that failure, which there has been on the part of several historians, even to allude to the existence of such trusts betrays a curiously selective approach to agrarian history.

TABLE 2.

MAJOR ESTATES CONTROLLED OTHER THAN BY NOMINAL OWNER IN NORTH-EASTERN SCOTLAND, 1750-1850.

1). Duke of Gordon's Estates. In minority from 1752 to 1764. In hands of testamentary Trustees of Alexander, Duke of Gordon, from 1827 to 1838.

2). Marquis of Huntly/Earl of Aboyne's estates. These had been in minority from 1732 to 1747. From 1838 to 1853 George Gordon, 5th Earl of Aboyne, who became in 1836 9th Marquess of Huntly, was bankrupt and the estates in the hands of a Trustee for his creditors.

3). Earl of Seafield's estates. After the nomination (p.47) by the 7th Earl of Findlater of Commissioners he lived mainly abroad. He was present in Scotland and cleared accounts with his factors in 1779 and 1780 (54)., in 1784 (55)., and from 1787 (56). to 1790 (57)., but otherwise for a period of forty years the estates were managed through Commissioners.

From 1811 to 1840 the Estates were managed by a Curator for the insane owner, the 5th Earl of Seafield (58).

4). Earl of Erroll's estates. These were in minority from 1778 to 1793 and passed almost immediately thereafter to a Trustee for the creditors of George Hay, 15th Earl of Erroll, who retained control until death of the Earl in 1798.

They were again in minority from 1819 to 1822 and, being in considerable financial difficulties from which they were in large measure rescued by bequest of Captain Edmond Livingstone, his Trustees had for some years thereafter considerable control over the estates. (59).

5). Earl of Moray's estates. Francis Stuart, 10th Earl of Moray, who inherited in 1810, allowed his brother-in-law, Philip Ainslie, to act as Commissioner on the Estate until his death in 1848.(60).

Francis Stuart, 11th Earl of Moray, who succeeded in 1848 and died in 1859, was under curatory throughout that time.(61).

6). Earl of Aberdeen. The estate was in minority from 1801 to 1805. (62).

7). Earl of Fife's estates. The unentailed estates of the 2nd Earl Fife passed in 1809 to Trustees under a Trust which was not to determine until the death of his brother and nephew, Alexander Duff, 3rd Earl Fife, and General James Duff, 4th Earl Fife, the latter dying on 9 March 1857.(63).

James Duff, 4th Earl Fife, executed on 11 November 1825 a Trust for behoof of creditors of his liferent on the entailed estates, which appears to have continued throughout his lifetime (64).

8). Earls Marischal and Kintore. From the re-purchase by George Keith, formerly 10th Earl Marischal, in 1763 of his estates, which had been previously held by the York Buildings Company, till his death in 1778 he made only a short visit.(65).

The estates were in minority from 1812 to 1815 and 1844 to 1849.

9). Lord Lovat's estates. The Fraser of Lovat estates were, of course, forfeited or Annexed from 1747 to 1774.

Thomas Alexander Fraser of Strichen was born in 1802 and that estate was in minority from his father's death in 1803 to 1823, while the Fraser of Lovat estates, which he inherited from Colonel Archibald Campbell Fraser of Lovat in 1815 were, of course, similarly in minority from that time to 1823.

Joseph Mitchell's Reminiscences (66). refer to him: "All at once the four horses were reduced to two, his superfluous retinue was dismissed, and his affairs were placed and continued, till his death, in the management of an eminent firm of Writers to the Signet in Edinburgh, under whose administration rigid economy was established." This was Gibson-Craig, Dalziel and Brodie, Writers to the Signet (67). Though Mitchell gives the impression this control by the Edinburgh agents was effected in the 1830s. it seems more likely to have occurred in the 1840s and continued till Lovat's death in 1875.

10). Lord Saltoun's estates. From 1748 to 1752 the estates were in the hands of trustees of creditors of Alexander Fraser, 12th Lord Saltoun, and of Alexander Fraser, 13th Lord Saltoun (68).

The estates were in minority from 1793 to 1806.

11). Lord Forbes's Estates. Estate had been in minority from 1730 to 1734. Part of the estate was sold in insolvency in 1770.

12). Macpherson-Grant of Ballindalloch, Baronets. The Grant of Ballindalloch estates were in minority from 24 January 1751 until 1762 or 1763 (69).

William Macpherson of Invereshie, technically owner of that estate from the death on 18 August 1795 of George Macpherson of Invereshie, his father, to his own death on 29 April 1812, was permanently non-resident.(70).

The combined estates were in minority from 1850 to 1861.

13). Gordon-Cumming of Altyre, Baronets. Estates were in minority from 1806 to 1809.

14). Grant of Monymusk, Baronets. Sir James Grant, 5th Baronet, who held the estate from 1820 to 1859, and Sir Isaac Grant, his brother, who held to 1863, were both permanently insane and under curatory.

15). Grant of Dalvey, Baronet. Sir Ludovick Grant, 6th Baronet, executed a Trust for behoof of his creditors.(71).

16). Stuart-Forbes of Pitsligo. Sir William Forbes, the banker, 6th Baronet of Monymusk, which had been sold. held the Baronetcy as a minor from 1743 to 1760. On the death on 4 July 1869 of Lady Clinton, daughter of the 8th Baronet, her son, later 21st Baron Clinton, succeeded aged 6.

17). Forbes of Craigievar, Baronets. In minority from 1846 to 1857.

CHAPTER 4.
THE INCOME OF LANDOWNERSHIP.

Having argued that the influx of new men from outwith the traditional landowning classes was less than has been supposed, it has been necessary to suggest that their presence was not essential to influx of new agricultural methods and modes of estate management. It is also requisite for any interpretation of agrarian change which minimises the role as owners of newcomers from the legal profession, from the mercantile classes, or from the military and naval services, to demonstrate either that change did not require a revenue or capital inflow or that the necessary inflow could be obtained without possession of land passing to the newcomers. The conditions for stagnation were that there was both inelastic income matched with irreducible expenditure and lack of any opportunity for borrowing to overcome these difficulties. The succeeding three chapters will accordingly deal with income and expenditure of landownership and with estate borrowing.

A rough classification of significant sources of income might be suggested as (1) rents and feu-duties (2) forestry (3) fishings (4) sporting income (5) military and public service, and (6) 'windfalls', miscellaneous sources of income, mainly unpredictable. Such classification in some measure cuts across the distinction between capital and revenue, but it is difficult to avoid doing so. Much of the importance of the distinction between capital inflow and revenue income in modern accounting derives from the high level of recent taxation on the latter, and is of lesser importance in the present context.

Rents and feu-duties, the composition.

These are often not distinguished in estate rentals. The

difference lies in the latter being fixed in perpetuity, whereas the rent was for a limited, though frequently a lengthy period. On 16 December 1763, for instance, Alexander Boswell, Lord Auchinleck, wrote to Lord Deskford as to the founding of planned villages, outlining the advantages of extremely long leases as opposed to feuing and discussing the case of the Lord Advocate against Fraser of Belladrum where the House of Lords had upheld a 999 years lease, reversing the decision of the Court of Session.⁽¹⁾ In many of the planned villages, in fact, the land was let on long leases and later converted to feu-holding; in large measure this was affected by the law on entail- Section 4 of Montgomery's Act (10 George III, c.51) had permitted the granting of 99 year leases, but not feus, while Section 24 of the Rutherford Act (11 and 12 Victoria c.36) permitted either feus or long leases to be granted in all estates with old entails to the value of one-eighth of the estate. More extended substitution of feus for rents also took place, and on

the Grant estates William Lorimer was ready with cautionary advice:-

"There was once a Scheme for having fewed out all Strathspey to the different Gentlemen then living in it, who probably were the Advisers of it.- They were to have paid at their Entry a certain Sum- the Lands thereafter were to have belonged to them for ever, upon their paying yearly by way of Few-duty or Quit-rent what was the real Rent then.- This, they said, would secure the Laird's Rent and furnish him with a sure body of stout brave followers.- But alas! Consider this in the other light.- The Laird would have been almost stript of his Property, or of a power of disposing of his Lands as he pleas'd, and of raising his Rents- and the Fewars would have had a perpetual Servitude on the Woods, so that the Laird durst not have touch'd a Bough of them.- Whereas the Rents are now double what they were 30 years ago, besides the Rent that arises from the Sale of the Woods. In the above Event the Laird would have had little but Castle Grant.

When a man offers you an Advice, see if he has any Interest in the thing.- That's the leading Principle- the primum Mobile!

Badenoch to the Duke of Gordon is in the very Situation at this time as Strathspey would have been in the above Event; the Lands are mostly all fewed out- he has but small Quit-Rents, and the Woods are all neglected- he dare not cut 'em, that would destroy the Servitude of the Fewars." (2).

Rent may be conveniently divided into grassums, money rent, victual rent, services and customs, moss rents, dues for fairs

and markets, multure money, and teind or stipend money.

Commutation money and cess or land tax were sometimes collected with the rent and stated separately; at other times they were slumped with the general rent.

Grassums were payments in a lump sum at the commencement of a lease, or commencement of renewal, of part of the rent. They were widely exacted at the commencement of the period of study, but had been almost wholly abandoned by the end. Disuse was, however, an evolutionary process over a lengthened period. In proofs in augmentations of stipends or valuations of teinds from at least 28 January 1756 and possibly earlier the lawyers for the Crown asked that there be included in each Commission an Interrogatory as to whether Grassums were paid on granting of tacks under which lands were held.⁽³⁾ Proofs in the period thereafter often concerned tacks granted before 1750, and it is clear that in many instances the taking of a grassum had already before 1750 been foregone in favour of increased rent. In some cases the abandonment was the result of restrictions on the landowner. They were, for instance, banned in many entails, since they benefitted the heir in possession at the expense of the next substitute. Thus, for instance, the deed of entail by the 2nd Earl Fife of 7 October 1808 provided that tacks were not to be let for longer than 38 years or the lives of three persons alive at the granting of the tack, with power to add a new life at each expiry, while no tack was to be set in diminution of the rental except in case of necessity and then for no longer than nine years, with no grassum allowed.⁽⁴⁾ In other instances, they were deliberately abandoned by the owner in possession.⁽⁵⁾ The chronology of their abandonment is, unfortunately, difficult to establish since many of the early improving leases, granted for twice nineteen years and

a life, provided for them at commencement of the second nineteen years and of the life. In many instances the sole copy of a farm lease was that in possession of the tenant, no duplicate being kept by the landlord. The estate cash books may state that the grassum is paid for a renewal, but in many instances this can only be inferred from payment of the grassum with interest and statement made of when it was due. Thus though the grassum paid on 23 July 1814 due at Whitsunday 1807 on the lands of Threepland on the Seafield estates was stated to be for renewal of a lease that on Bleachfield of Boindie can only be assumed to be for a renewal since due at Whitsunday 1791 and paid on 13 October 1808.⁽⁶⁾ On the Gordon Castle estates Dr. Gaffney has suggested that a general policy of discontinuing them, initiated in 1771, took full effect at the relettings about 1802.⁽⁷⁾

Money rent will be more fully considered in the context of gross estate rental. At present it is necessary only to note, as has been previously shown by Malcolm Gray and others, that in Lowland areas originally a large part of the rental was paid in victual, while in Highland areas payment was largely made in money, arising from the sale of cattle, and later from that of wool and sheep.

In the eighteenth century a major role of the estate factor in Lowland estates was dealing in the victual rent and disposing of it to advantage. The subject is so little understood that it seems appropriate to quote at length from William Lorimer, who was well-informed on the matter:-

" 'Tis still a problem among Heritors whether Meal should be sold annually at the current price, or be kept (when the price is low) till the Price rise- but I think Lord Findlater takes the best way of all, by making what they call Time-Bargains, that is, selling a fixt quantity of Meal to a substantial Merchant or to a Company of Merchants for a fixt number of years, and at a fixt price, let the prices during that period be ever so high or low- thus he is always sure of a large Sum at once in order to pay off a great

debt, or buy a piece of Land, which sum being received in small parts of 20 or 30£ dwindles away imperceptibly, without one's knowing the real advantage of it....

Barley or Bear is paid by firlo or Boll, and not by weight.... Barley is paid by firlo and is carried to and from the Granaries in the Meal. In many places there is a peck additional Rent added to every boll, which is called Charity Bear and for which the tenant and Factor are accountable.

Tenants pay their Money Rents at Whitsunday and Martinmas; the greatest part is paid at Martinmas, as it generally arises from Cattle sold in Summer.

Meal is paid in Winter, commonly in December or January- the heretor has Granaries to which the tenant brings it, and there it remains till Summer when the heretor sells it to some Merchant. The tenant is obliged to carry it to the Granaries, and from thence to a Sea-port, all at his own Expences.

Meal was formerly paid by Measure, of which a firlo and a peck were the standards- 4 pecks made a firlo and 4 firloes made a Boll, which was an imaginary measure, as we had no real Measure for a Boll.

Meal is now paid by weight- the common weight of a Boll is 8 stone- but the tenants in many parts are obliged to pay 9 stone- tho' when the Heretor sells his Meal to a merchant he agrees to deliver a certain number of Bolles of Meal at 8 stone only. So that if an Heretor has 100 bolles of meal paid him agreeable to his Rental, he may sell to his Merchant 100 bolles, and 100 stone more, which makes together 112 Bolles and a half.

If you weigh a Stone of Meal immediately after it is ground, and continue to weigh it every week for 6 months it will increase in the weight; after that it decreases in weight. The reason of this may be, that after grinding it acquires a moisture or dampness, which moisture ceasing after 6 months the Meal returns to its natural weight, and grows lighter than before- this is one argument for selling meal 6 months or sooner after it is put into the Granaries. Meal continuing in the Granaries for 2 or 3 years grows harsh and sour. The Factors therefore take care to cause the tenants carry the Meal to the Granaries immediately after grinding, that they may have the advantage of its increasing in weight.- This increase is called Outcome Meal, which will amount to perhaps 5 or 6 bolles in a 100 bolles- and all the Chamberlains are made accountable for this Outcome Meal, as well as for the number of Bolles in the Rental. Some Heretors make this Outcome Meal an Article in the Tacks payable by the tenants. The Country people call it Charity-Meal." (8).

The Valuation Roll for Aberdeen-shire in 1855-56, based on estate rentals, makes it clear that for few farms was the rental still stated as consisting of both a victual and a money payment, while it plainly appears from other sources that even in these few instances payment was rarely still made in victual, a money payment being substituted. The conversion of victual rent to a money rent

was gradual. Often it took place at the level of individual tenants making bargains for conversion, sometimes in course of current leases, but more frequently at a renewal. At times, however, conversion took place on a whole estate at the same period. On the Gordon Castle Huntly Estate, for instance, the victual instead of being exacted was sold to the tenants from Crop 1840.⁽⁹⁾ It is important to note that the substitution began early. It is difficult to imagine that Daniel Shaw, Factor on lands in the parish of Dores in Inverness-shire, in quoting on 28 October 1758 conversions for the victual rent of these lands, inclusive of customs and services, was pioneering, particularly since he had been factor for fifty years.⁽¹⁰⁾

On these services and customs William Lorimer is again a useful guide:-⁽¹¹⁾

"According to the present System, each Eightenpart pays yearly
2 Carriage-horses or £6 Scots for each
2 horses every 3 months to carry Lime, stones, Slate, or Timber,
or £1:10:- for each.

2 horses in the Spring, to plough, much, or harrow, or £1 Scots for each.

2 Shearers in harvest, or 12 Shillings Scots for each.

Sir Ludovick has now determin'd, that whatever other Grassum or Augmentation shall be agreed upon in a new Tack each Eightenpart shall pay of Addition, yearly

2 Wedders, or £3 Scots for each, and

8 hens, or 4 pence [sterling] for each.

These Wedders and hens, if imposed on all the Estate would be an Addition of £300 Sterling a year.

Formerly there were many different kinds of Customs paid to the family, but as Sir James was a Widower and generally at London, he converted them all about 30 years ago [i.e. about 1730] into money. This is the money paid at Whitsunday yearly, called their Custom-money.

When Sir Ludovick came to live at Castle-Grant he found great Inconveniencies from this, and could not get either Mutton or fowls for his Table, therefore about 6 years ago he made every tenant taking a new Tack, to pay him Wedders and hens.

Prices or Conversions of Customs.

	Scots.
A Hen at	£0:4:-
A Sheep or Wedder under Wool	3:-:-
A Kid or Lamb	1:10:-
A Swine	12:-:-
A Leet of Peats, 12 foot long, 12 foot wide and 12 foot high	6:13:4

Each of these Conversions should be double if the Customs and Services are demanded and not paid.-This makes the tenants pay regularly."

On other estates the customs and services were, in certain instances, paid not to the landowner, but by the subtenants to the principal tenants, who paid their own rent in money. This was, for instance, the situation in Badenoch at the beginning of our period.⁽¹²⁾ Less commonly right to exact services was assigned to a third party. When, for instance, it was determined to restrict possession in Strathavon by Thomas Gordon of Fodderletter, James Ross, the Duke of Gordon's Cashier, on 15 May 1776, suggested he might be allowed assistance in leading peats through services of some of the Duke's other tenants.⁽¹³⁾ When Peter May negotiated to become factor on the Moray estate of Lord Findlater in 1767 he stipulated for services of the tenants in leading his peats,⁽¹⁴⁾ while a number of clergymen had the right to services from tenants of heritors in their parishes. Thus, for instance, in an augmentation and locality of stipend in the parish of Midmar, raised on 30 June 1757 and concluded on 15 February 1758, Captain Alexander Grant of Grantsfield, principal heritor, was to have his tenants plough the minister's glebe, while the other heritors were to harrow, lead out dung, and lead home, each year, 512 loads of peats.⁽¹⁵⁾ Customs and services were one of the targets of attack of a number of the agricultural writers at the end of the eighteenth century, particularly in the Old Statistical Account. Conversion into money rent was gradual, often taking place at an earlier period on the more remote parts of the estate before affecting those parts near the family mansion. Moreover they often continued to be shown in their old form in estate rentals after they were being exacted in money rather than kind for many years before being consolidated with the general money rent. Evidence of early conversion of services for money could be adduced in plenty. On 30

May 1754, for instance, Robert Fraser, Factor to Alexander Brodie of Brodie, who had died shortly before, deponed:-

"That he knows that the now deceased Alexander Brodie converted some services payable by the tennants upon the 2 Estates above deponed upon [Penick and Auldearn in Auldearn parish] within these 2 or 3 years into money but knows not the extent of them but that such Converted services are mentioned in the Tacks granted since that time...That the said Services were Converted in order to ease the tennants and the money arising from them was applied in defraying the expence of the persons and horses who were employed to do what the tennants were formerly obliged to perform about the Lands and Mains of Brodie. (16).

There was obviously extra pressure for the conversion of such services with improved technology. The obligation on a tenant to plough was of little value if he ploughed with oxen and the old Scotch plough when the grieve on the home farm wished the work undertaken with horses and the Rotherham or Small's plough. There was little value in the services of those in harvest who would work only with the sickle if the scythe had been adopted; most laborious of all for the tenants was stated to be moss burdens, and their services were of little value where the landowner began instead to burn coal, made available by the transport revolution.

Reduced use of peat was not, of course, confined to proprietors- in many cases tenants, through choice or necessity, switched to use of coal. Moss rents had sometimes been included in the basic estate rental, but they were often shown as separate items in the charge of factorial accounts, being collected by the ground officer or an appointed "Moss-grieve...who directs the tenants in the proper places for casting their Peats and Turf, and prevents Strangers from incroaching, or casting Peats, Turf, digging fir, pulling

heather, or otherways."⁽¹⁷⁾ In a number of instances where an estate lacked peat mosses negotiations were entered into and servitude rights obtained over mosses on other lands and frequently in the division of commonalty special regard had to be paid to peat mosses in which cubic content and not the surface area was the criterion for division. On occasion disputes over mosses between proprietors could become fairly bitter. The Commonalty of Forest of Birse was divided by decret-arbitral in 1755, but the peat moss was excepted from the division and ordained to remain common property. A later, and keenly fought, action was brought to divide it, but dismissed.⁽¹⁸⁾ Similarly the division of the Red Moss was not agreed to in the division of the runrigs of Blairton, Belhelvie parish,⁽¹⁹⁾ while the division of the commonalty of Mountforthie in Ellon parish was carried to the House of Lords.⁽²⁰⁾ Other examples could be multiplied. Income from moss rents was not high, but this is not a proper reflection of their importance, which is frequently stressed in the siting of the new planned villages. When William Lorimer was urging the founding of such villages on James Grant of Grant he noted down details of two advertisements which appeared in August 1763 in the Caledonian Mercury and probably also in other newspapers, one for the village of Down or Macduff and the other for a village in the parish of Slains (the latter, planned by Lord Erroll seemingly proving abortive). The former

advertisement stated "Artificers will have houses, or feus to build upon, with materials necessary for that purpose, firing, yards and crofts of land at hand" and the other described a "Town situated in a plentiful country within half mile of sea, plenty of turf, close by a loch of fresh water, fit for bleaching."⁽²¹⁾. Even by 1850 the importance of the mosses, despite the growing use of coal, had not altogether disappeared.

Multure-money was similarly sometimes included in the rental and sometimes shown separately. William Lorimer explained it thus:-
"Every Landlord may build a Mill, or Mills, on his Estate, provided his Lands are not astricted, that is, bound to grind their Corns at another Mill.

Lands astricted to a Mill, are call'd its Sucken.

The Landlord builds at his own expence a Mill-house and a Mill with all its appurtenances.

Then he fixes what proportion of Meal etc. each tenant shall pay for grinding his Corns. This Meal is called Multure- sometimes called Kneship, that is Knaveship, or Service done for grinding Corns....

Thereafter he appoints a tenant who resides by the Mill- has a Farm besides- and takes the Direction of grinding the Corns. He is called The Goodman or tenant of the Mill, who pays a certain rent to the Heretor for the above Multure which each grinding tenant pays in the first instance to him.

Tenants astricted to a Mill are bound to grind all their Corns and pay Multure at that Mill, and if they go to another Mill they are bound to pay to the tenant abstracted Multures.

Besides this Tenant there is a Miller who works the Mill and grinds the Corns- he is the Servant of the tenant, and the people who grind pay him a small thing besides what they pay the tenant.

From the above Deduction it appears there is a certain Rent paid to every Heretor who has a Mill by his tenants and others astricted to it to indemnify him for building this Mill, and keeping Servants etc. there.....

The above is the Constitution of Mills in general.

There is generally a Croft annex'd to the Mill, possest by the tenant of the Mill for which he pays Rent and is never lett to any other tenant.

The tenants of Mills pay Swine and Fowls, and not Sheep, as the former can be more easily rear'd at Mills.

Tenants of one Estate may be astricted to the Mill of another Heretor, because originally both Estates may have been in the same hand, and when the lesser Estate was sold or given off it was still

continued to be astricted to the first Mill. Many Estates belonging to private Gentlemen are astricted to the Mills of the Duke of Gordon and Lord Findlater, who had once more extensive Estates than they have even now.

The other Constitution of Mills, which is practised at many Mills in Strathspey is,

The Heretor builds the Mill-house and Mill, and appoints a Miller or Servant to work the Mill and grind the Corns. He does not oblige his tenants to grind at any particular Mill of his but as they must go to some one Mill of his each tenant must pay him a certain quantity of what in this case is called Dry Multure, besides a small thing to the Miller.

This makes the Miller very ready, careful, and obliging- because by this means many Shops being open'd people will go where they are best serv'd.- Monopolies are always bad.

By this means tenants in general obtain a new degree of Liberty, being no mere Subject to the Tenant of the Mill.

In general, tenants like this Dry Multure better than the other.

Where there is only a Miller and no tenant, the Croft is lett to the Miller....

The tenants of the Sucken keep the Mill-house in Repair, that is, do the Servile work, by drawing the Mill-stones and Timber, and thatching the Mill.- The Miller pays for Stone and Iron.- The Heretor gives the Wood for keeping up the Mill.....

The Rent of Mills should now increase very much, as there are more Lands till'd and consequently more Corns ground- there are many new Improvements, and people increased in numbers." (22).

Lorimer gives little indication of the extent of dry multure. Mill-rent was, however, not teindable "supposing alwise that it is a fair rent, payable for the manufacture of the mill, and not a contrivance to exclude the tithe, by drawing the rent of the lands through the mill in the shape of an extraordinary multure." (23) Frequent difficulties were found in calculating deductions to be made from rents in the 1750s in estimating liability for teinds. This indicates clearly that liability either for payment of multure or even a specific payment for dry multure separate from the normal money rent was in many parishes little more than a hazy memory.

This development, as have many others, passed through several stages. It is obscure when money payments first began to be made instead of feudal astriction. By 1750 the development is widespread, but attracts little attention. Sinclair's Statistical Account

thunders against those who have not abandoned the old system; Parliament listens and brings forward statutory support for change. In 1809 provision was made by 39 George III c.55 for commutation of thirlage payable from one estate to another, this having, in a number of instances, prevented landowners from abolishing thirlage on their own estates. As with other developments cited improved technology rendered ancient rights of dubious value. A landowner who had improved the roads on his estate and built a new and improved mill serving the role of several smaller mills might find the astriction of lands held by other proprietors was only to a mill at a point where he no longer wished to maintain one. A very clear statement was made in 1830 by James Fergusson, one of the Principal Clerks of Session:-

"The change in the rural economy has, within the last forty years, very greatly diminished the numbers, not only of thirlages, but also of mills, in Scotland; the former being very generally redeemed as more vexatious than productive, and the latter being still more diminished in number, to introduce powerful machinery."(24).

Little need be said as to fairs and markets. It is clear from estate factorial accounts that even by the mid-eighteenth century there was considerable resistance to the payment of market dues in all parts of the country. It was therefore difficult to increase rates at which these were levied and they commonly fell victim to competition between neighbouring proprietors attempting to entice buyers and sellers to their own fairs and markets.

Teind or stipend money was sometimes consolidated with the rent and sometimes paid separately. The complexity of the subject is no doubt the reason why most writers have fought shy of it. Both

parsonage and vicarage teinds were involved. Parsonage tithe was the tithe of grain (including peas as well as oats, wheat and barley) produced by culture, was an inherent burden of all landed property, independent of custom or usage, and could not be evaded by any length of disuse, though it could be excluded where lands were shown to be novalia (newly brought under culture) or had been feued out from the church cum decimis inclusis et numquam antea seperatis.⁽²⁵⁾ Exclusion on these grounds, though important, was inconsistently applied, largely, it would appear, from confusions among the judges themselves as to the history and scope of such exclusions. Vicarage tithes included the tithes of vegetables other than corn,- flax, turnips, potatoes, hay and the like- as also the tithe of domestic animals maintained on the ground (not game or other wild animals), and fish.⁽²⁶⁾ These, however, were stated to be 'governed by custom'- no payment could be exacted where there was no 'use of payment'.⁽²⁷⁾ Prior to the Reformation some tithes had been appropriated to religious orders, collegiate churches, or the universities; others had passed to the bishops and their chapters; some had passed to laymen, and a part remained inappropriated in the hands of the clergy actually serving the cures.⁽²⁸⁾ The inappropriated tithes were, following the Reformation, usually let on tack by the minister of the parish to the patron, the fixed tack duty forming his stipend. When, in 1649, patronage was abolished the patrons were mollified by granting them permanent right to the

whole teinds under burden of a reasonable stipend to the minister. The appropriated tithes, after the 'Act Abolishing Prelacie' of 22 July 1689⁽²⁹⁾ largely passed, by Crown grant or normal feudal transfer, into the same hands. The 1649 Act, rescinded at the Restoration, was effectively revived by the 'Act concerning Patronages' of 19 July 1690⁽³⁰⁾, concerning parishes then vacant or later falling vacant, which obliged those obtaining title thereby to sell to each heritor the teinds of his own lands at six years purchase, to be fixed, if necessary, by the Commissioners for the Valuation of Teinds. The scope of that Act was extended to parishes with sitting ministers by the 'Act anent Parsonages' of 12 June 1693.⁽³¹⁾ At the Union the judges of the Court of Session were constituted the permanent Commissioners for the Valuation of Teinds. While teinds were unvalued and still liable to be drawn by the titular rather than the heritor, or where they were liable to have an augmentation of stipend localised upon them, consolidation with the general rent was less likely than where valuation and purchase by the heritor of his teinds had taken place. The process of valuation and purchase was gradual, while processes by clergymen for augmentation of their stipends were contemporaneously being carried on in which it was normal to consolidate the vicarage with the parsonage teind. The national picture, towards the end of the period of study, is displayed in the 3rd Report of the Royal

Commission on Religious Instruction in Scotland in 1837, from which it is clear that vicarage teind remained in only a small remnant of parishes.

In 1669 an Act of the Scottish Parliament had, extending an Act of 1617, given the Justices of the Peace of the Scottish Counties the general oversight of repair of roads, in which in 1686 they were conjoined with the Commissioners of Supply. The 1669 Act laid down the power to exact four days labour of man and horse yearly.⁽³²⁾ Commutation money, due from the heritors and which they, in turn in many instances exacted from their tenants, was the sum paid in lieu of this labour. Various local Acts, referred to in evidence to a Select Committee on Statute Labour in 1836 and a Royal Commission of Inquiry on Roads in Scotland in 1859 provided for commutation. But the general Act dealing with all the Scottish counties was not passed until 1845⁽³³⁾ and even in 1859 had not been adopted in Bute and Zetland.⁽³⁴⁾ By that time, of course, many of the older roads had been superseded by Turnpikes, or, in some of the Highland areas covered in this study, by military roads or roads constructed with the aid of the Commissioners for Highland Roads and Bridges.

The level of rental income and factors affecting its growth.

The composition of rental income may seem unimportant, yet it could be significant that elements earlier separate were being included with the money rent. It is clear that in comparing

rentals a number of writers have been careless as to ensuring that the comparisons were valid. Appendices 1 and 2⁽³⁵⁾ contain details of the total rentals of the estates of the Dukes of Gordon (later Dukes of Richmond) and Earls of Seafield insofar as available in the period of study. The General Cashiers' Accounts on these estates are frequently statements only of their intromissions with funds transmitted from local factors and not properly general estate accounts. They often do not make it clear when alterations in content of the estates occurred and the figures have therefore had to be summarized from the separate accounts of the different factors on the various collections with laborious calculation of the value of victual rents and customs received. The figures include agricultural and village rentals (dealt with later in this chapter), and also fishing rents, as annual produce, but forestry income, as realisation of a capital asset, has not been included. Abatements and rents written off have not been allowed for, but it will be seen from the Seafield Curatory Accounts that these amounted only to about £1100 per annum compared to a rental income of £40,000. Details of public burdens are given in the succeeding chapter on estate expenditure: it is sufficient at present to note that these included both burdens falling on the landowner and burdens for which he had recourse on the tenants; except when property tax or legacy duty was payable the sum for public burdens was around

ten per cent of rental income, so that their amalgamation with agricultural rental income does not seriously distort the figures.

The totals have also been plotted logarithmically and compared to a general price index over the period of study, which has been calculated from those of Shumpeter-Gilboy for Consumer Goods 1750-1800 and of Gayer, Rostow and Schwarz for British Commodity Prices, Domestic and Imported Commodities from 1790-1850, the years from 1791 to 1800 being used to establish a relationship between these indexes.⁽³⁶⁾ The result, in Table 3, is to show a rise in rents well above the general level of price rises and remaining at a high level even when prices fell drastically after the end of the Napoleonic wars.

Several explanations have been adduced for this phenomenon; those to be here considered are:-

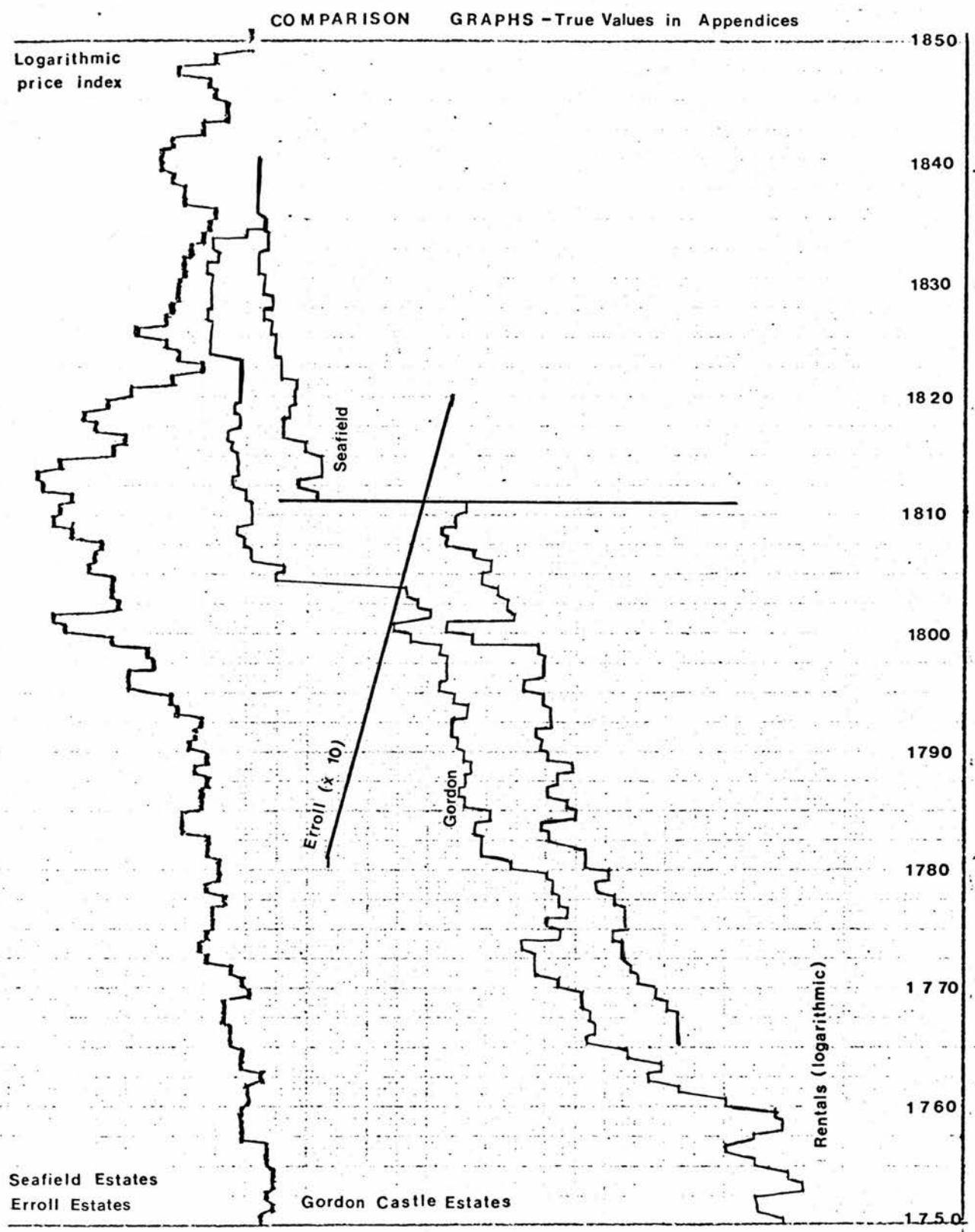
- 1). amalgamation and rationalisation of existing holdings with reduction of labour charges, depression of wage levels or part of the population and creation of a social gulf.

- 2). creation of new holdings on land previously uncultivated from which fresh rent could be drawn.

- 3). expansion within existing holdings of areas under cultivation and greater productivity from existing cultivated area within each farm.

- 4). product switching or enhancement and improved marketing.

TABLE 3.



Amalgamation and rationalisation.

A crucial sub-chapter in T.C. Smout's A History of the Scottish People, 1560-1830 is headlined in block-capitals 'The Making of the Farming Class'. According to him the eighteenth century tenant who stood on the threshold of the agricultural revolution:-

"had been a peasant with little capital of his own, living from hand to mouth, dwelling with his farm servants, farming in obedience to unwritten and almost unchanging tradition...Everyone in authority thought that...the traditional tenant class was idle and hide-bound, and that as far as possible only exceptional tenants marked by their own personal qualities should be encouraged by favourable leases. They also agreed that when the land was reorganised it should be reallocated in larger shares...It was clear that not by any means every tenant of the unenclosed fields could hope to become a farmer of the new enclosures. To some extent the expanding boundaries of cultivation did help to mitigate the ruthless logic of the situation, but many would nevertheless fall to the ranks of the landless labourers. Those who remained as occupiers became increasingly unlike peasants."

Succinctly he has stated his contention:- (37)

"that the new farmers themselves were as deliberate and artificial a creation as the quick-set hedge and the Cheviot sheep. The eighteenth-century laird who set about improving his estate also set about improving his tenants."

Malcolm Gray has written:- (38)

"The agrarian historians of Scotland have tended to assume that the settlement in which several tenants shared the land was typical or even universal. This view is almost certainly wrong for one part of the country- the North-East- for which there is solid evidence from before 1700 of the layout of farms. On this evidence the settlements which were under the control of one person were just as numerous as those in divided occupation...It seems likely that at least in areas such as the Lothians where the holdings were generally larger than in the North-East the single holding would be no less common."

Professor Smout cavils only mildly at the common supposition 'that consolidated holdings were very rare.' (38a). It seems unnecessary to support Gray's observation that it is "striking how little direct memory there was of a functioning runrig system in the multitudinous reports of the 1790s", but it is clear from the

proofs in teind court valuations that a high proportion of farms were always, throughout Lowland Scotland, held in severalty before 1750 while William Lorimer, whose observations deserve respect, wrote in 1762:-

"The Farmers in Strathmore have thrown themselves together into Villages, 10 or 12 families together- a thing uncommon in Scotland." (39).

A distinction, moreover, may require to be drawn between what is typical and what is significant. Appendix 21⁽⁴⁰⁾ contains the results of examination of judicial or quasi-judicial rentals chosen mainly from before the commonly-accepted period of maximum change to give comparison of a representative geographical spread within the area of study with the 1855-56 rating valuation roll. Clearly although most tenants were men with small holdings the bulk of the land, if it is fair to assume that the rent was proportional in value to the land held, was in the hands of substantial tenants. Evidence of the living standards and social attitudes of such tenants is not abundant, which is perhaps why Smout has been constrained to eschew contemporary evidence and describe the typical lifestyle of a Scots mid-eighteenth century peasant through the writings of George Robertson. On 14 January 1742 George Grant, wadsetter of Clury in Strathspey, died leaving children both by his first and second marriages. The children of the second marriage brought a lawsuit protesting that they had been unfairly dealt with by James Grant, their elder brother. In Proof taken in November 1761 it was attempted to demonstrate that they had been made to eat with the servants and assist with herding and the harvest. Significantly it was accepted that no physical labour should be expected from them; the interrogation of witnesses on behalf of James Grant was directed to establishing that at harvest

they had acted only in a supervisory capacity in his absence, while food eaten with the servants was explained by their taking snacks, as growing lads would, between their regular meals.⁽⁴¹⁾ Clearly, moreover, James Grant possessed a sufficient stocking for his farms with little, if any, help from subtenants.⁽⁴²⁾

If there existed elsewhere, as in the area I have examined, a farming class socially divided from the general labourers even prior to many of the significant agrarian changes the necessity for careful selection of tenants by the landowners is diminished.

Smout's suggestion that:-

"Tenants who were readiest to listen with a sympathetic ear to the laird's new fads for turnips and stone dykes in the years before 1760 were likely to put their families at a distinct advantage for the future, since the landowner would regard them as the most 'industrious' and 'intelligent' of his dependents and reward them with generous leases." (43)

presupposes a relationship between landlord and tenant far more personal than was ever common.

I do not doubt that instances can be found of favour to selected tenants by improving landowners- continuing litigation by the Earl of Hopetoun to free himself from the leases granted by Cockburn of Ormiston to the Wight family may be cited. If, however, we treat Cockburn in other respects as 'exceptional',⁽⁴⁴⁾ why should we assume in selecting tenants sympathetic to his views and granting them extended leases he conformed to a normal pattern? We may note, for instance, that the whole burden of, and authority for, selecting tenants for Badenoch and Lochaber in 1750 and 1751 was devolved to Commissioners⁽⁴⁵⁾; until these properties were disposed of some eighty years later, the only sett of Badenoch and Lochaber the Duke of Gordon seems to have attended was that in September 1784.⁽⁴⁶⁾ Since during Alexander, Duke of Gordon's tenure of his estates there occurred the founding of the villages

of Fochabers, Tomintoul and Kingussie, and Portgordon, with expansion of Huntly and Gordonsburgh (Fort William), the rebuilding by John Baxter of Gordon Castle, the major estate surveys described by Dr. Ian Adams,⁽⁴⁷⁾ the contract with Dodsworth and Osborne for the exploitation of Glenmore woods, the settlement with neighbours of extensive counter-claims as to woods and servitudes, and extensive settling of marches and divisions of commonities he cannot fairly be classed as other than an improving landowner. His role clearly, however, was not that of arbiter whether favour should be shown to aspiring tenants. He was, instead, the final court of appeal to which petition could be made to moderate, on the basis of kinship, long possession, or service to the family, the pressures for letting of land regardless of bygone claims. Though concerned with a vassal, not a tenant, the case of the McMartines of Letterfinlay is instructive in the context.⁽⁴⁸⁾ Even more so is that of the Gordons of Fodderletter, fully described by Dr. Gaffney,⁽⁴⁹⁾ where mounting arrears and the willingness of other tenants to pay full value for the farms were compromised against old obligations. The result was to transfer part of the land to others, with, as previously noted, allocation to Thomas Gordon of Fodderletter, of services of tenants for his peats.

It cannot even be assumed that the Commissioners appointed by the landowner to grant leases when a number of tacks fell vacant at the same period were familiar with the circumstances, far less the attitude towards improvement, of those granted tacks. The Rev. John Anderson, Factor to the Duke of Gordon on Badenoch and Lochaber, noted in Crop 1807 as to one tenant with £252:1:8d. arrears:-

"His stocking is under Sequestration, but he has not Cattle on the Farm that will pay a fourth part of the Arrears. When he was preferred to a lot of £550 a year he was not worth £100 in the World." (50)

In notes of 22 September 1808 as to state of arrears for Crops 1806 and 1807 he elaborated:-

"For this uncommonly heavy arrear the Factor can take no blame to himself. Causes beyond his power to prevent have led to it- during the last disastrous year for the Highlands his attention to his laborious employment has been unremitting; and in different instances he secured the Landlord's preference by the painful measure of Sequestrating; but where the Tennants in possession were without stock on their farms, it was impossible by any means to recover the Rents they had promised.

In Badenoch and Kincardine it is hoped that not much loss will be sustained eventually of the principal Sums given up in Arrear; but in Lochaber a considerable part is desperate; nor can the present Rent be supported. Indeed, till a partial change of tennants be effected, even the punctual payment of a modified Rent cannot be depended on." (51)

So far from a careful selection of tenants being made, Anderson had to report, on 15 September 1809 that two tenants who had between them "about a fifth part of the Lochaber Estate in their Hands" were "certainly in doubtful circumstances". (52)

Malcolm Gray has suggested that in Aberdeen-shire far from there being a fall in the number of agricultural holdings during the agricultural revolution, the number increased. (53) Using completely independent data, as outlined in Appendix 21, (54) I have reached the same conclusion. Each area studied shows either stability or increase in the number of tenants. The increases in Belhelvie, following on the break-up of the York Building Company holdings, are perhaps sui generis, but those in Strathspey, reflecting as they do the redemption of the wadsets may well have been paralleled over a wide area. In part this may be explained by dealing with tenants as the Duke of Gordon did with Fodderletter, restricting their

possession, not throwing them altogether off the land. On 6 April

1768 Robert Grant, a London merchant, later Laird of Elchies, wrote to Colonel James Grant of Ballindalloch, uncle by marriage to

James Grant of Grant, that the latter:-

"declined being in parliament- partly to improve his estate. He Triples the rents as the leases expire and sets no more to one man than he can labour, which is hard upon the Strathspey Gentlemen as he does not allow them to have lotters under them. These he is endeavouring to settle in Villages as in England." (55)

Professor Smout has suggested that only William Mackintosh of

Borlum 'before the Highland agitation' strongly asserted the

prescriptive right of tenants to remain in their lands. (56) His

remarks should be contrasted with extracts from two further letters.

One, of 1st August 1770, between the two last-mentioned

correspondents asserts:-

"Mr. Grant of Grant...by all accounts makes so bad a Chieftain that he will soon extirpate that race of people that some time ago passed by the name of Strathspey Gentlemen. He is blameable, for he should consider that had it not been for them, his Family long ere now would have been annihilated..." (57)

The other, of 2 May 1772 from the Duke of Atholl to Colonel James

Grant of Ballindalloch, expressing the belief that the Duke of

Gordon was rack-renting his tenants, continued:-

"We should not forgett that our present rank, fortune, ease and independence has been purchased by the blood of the ancestors of our present dependants and tenants. We ought to live and let live- by squeezing the very Vitals of the Poor I believe I could squeeze 6 or £700 a year more out of them than I have at present but neither the Blessing of Providence nor the Approbation of my own heart would attend it so I am better as I am." (58)

No reasonable reading of Borlum's remarks would conclude that he inferred the tenants had more than a moral right to be

continued in possession, and few more forthright recognitions of that moral right than that by the Duke of Atholl can be imagined. (59)

From the evidence adduced by Malcolm Gray that many small farms were being amalgamated and small tenants being settled in some instances on unimproved land, I do not, in the main dissent. (60)

I am not sufficiently naive to assume that a structure roughly similar in appearance in Aberdeen-shire and elsewhere in the area of study in the 1850s to that which existed a century earlier precludes the possibility of there having been several developing forces at work, one masking in a statistical analysis the effect of another. Doubts having been expressed whether the analysis of farm sizes in the 1851 Census was accurate, and the results of the Census in this respect having been shown only on a whole county basis, I have gone to the earliest Valuation Roll under the Lands Valuation (Scotland) Act of 1854, that for 1855-56. The complete analysis for Aberdeen-shire has largely vindicated the Census Summary and shown that variations between different areas of the county were smaller than one might anticipate.⁽⁶¹⁾ Reinforcement is given to Malcolm Gray's view that "the North-East never ceased to be a region of numerous small holdings and fairly infrequent large farms, themselves only of moderate extent."⁽⁶²⁾

Where, however, does this leave the argument that only the creation of the large farm could bring improvement? Professor Smout has quoted a pamphlet of 1796 by Thomas Robertson, based on the series of General Views:-

"It would be endless to state...that the small farm is found to be attended...with wretched husbandry; that the poor farmer is always a bad one, the lower the rent the poorer the tenant, and with husbandry worse..." (63)

Recent work in England has suggested that, impressed by the economies obtained through increased efficiency with larger units in industrial enterprises both contemporaries and historians have assumed too readily these would be applicable to agrarian conditions.

The antithesis to Robertson could not be more effectively stated than by the Rev. Alexander Cushny, minister of Rayne, writing the account of his parish for the New Statistical Account, for his remarks bear the challenge beyond the activity on the smallholders' own holdings onto the whole of a county's

agricultural area: (64)

"One peculiarity to be noticed is the great variety in the size of the farms...These multiplied subdivisions of the ground, into portions so small, may no doubt be adverse to the adopting of new and improved modes of culture, on a large and uniform scale; but this disadvantage has long appeared to the writer, to be counterbalanced by the powerful encouragement thereby afforded to the practice of honest industry and prudence, among the labouring classes of the community. In counties that are under a different management, and which have no gradation of possessions betwixt the cottar's acres and the grain farm of 100 acres, or the sheep farm of 1000 acres, the man who begins life as a farm-servant, day-labourer, or tradesman, how diligent and economical soever he may be, is almost precluded from the hope of bettering his condition, by the occupancy of a small farm, suited to his means and industry, and must limit his views the the cottar's croft, realizing, in most instances, the English adage, 'once a hind, always a hind.' But in Aberdeen-shire, which has been sometimes called 'the poor man's country', a farm-servant or labourer, after having established his character by activity, temperance, and economy, has little difficulty in getting a possession proportioned to the amount of his savings, on which, by exertion and foresight he may live comfortably, and bring up a family, in the like industrious, peaceable, and independent way. And, in proof of the efficiency of this stimulus, there are at present within the bounds of this small parish, many instances of persons who, from very humble beginnings, have gradually risen, by their own exertions, to be thriving and intelligent agriculturists. And though the small possessions are proportionally higher rented than the large ones, they have always more competitors for occupying them; and if there be less capital invested in cumulo for carrying on expensive improvements, (which is doubtful), there are more of the necessary sinews of industry employed in comparison, and much more caution, sobriety, and contentment, exercised in bad seasons...." (65)

While, therefore, it is impossible wholly to dismiss farm amalgamation as a cause of rental income advancing more rapidly than general price levels, there are grounds for believing that it forms and explanation which has been put forward fairly uncritically and that its influence has been exaggerated. Up to

the level where a plough team could be employed full-time amalgamation was no doubt valuable. Beyond that point its advantages remain to be demonstrated.

Creation of new holdings on non-arable land.

On 3 August 1767 the Earl of Findlater, as proprietor of the Barony of Rothes, brought an action of declarator of marches against William King of Newmiln and others, feuars in the Barony and Parish of Birnie.⁽⁶⁶⁾ His draft Memorial, of September 1767, for that action is not untypical and the substance is therefore here given:-⁽⁶⁷⁾

"The Earl of Findlater bought from Baron [John] Grant the Estates that had belonged to his father, the late Lord Elchies, for which he paid about 39 years purchase amounting to £24,000 sterling...As the rent of the lands of Elchies and Rothes had been considerably raised a few years before the sale, and as the farms were under lease for several years to run, so there was no near prospect of increasing the rent, and consequently there behoved to be some other Inducement for giving so high a price. This arose from the extent of moorish uncultivated Ground on the Estate, which was thought to be improveable; and from the Mosses belonging to the lands, which had the appearance of being valuable.

The great part of the arable lands of Elchies and Rothes lies along the Northwest Bank of the River Spey, and the moors and mosses stretch from thence some miles towards Elgin, untill they meet with those of the Barony of Birney, which are also very extensive...The mosses about Elgin and in the Low part of the County of Murray being mostly exhausted several years ago, the next resource of the inhabitants for being supplied with Firing was in the mosses of Birney. Some got permission from one feuar-others from another- many came at their own hand- and it has been long come to that pitch that the inhabitants of the Town of Elgin and a considerable part of the Low Country have, in a great measure, been supplied with peats, turf and moss firr from the mosses and moors belonging to the Barony of Birney. The manufacturing of these Articles has become a Trade. Many poor people have settled in the moors, whose principal business is to prepare peats, turf and firr for sale at the same time that they otherways contribute to exhaust what was fit for firing and pasturage by ploughing up part of the moors, burning the surface on the ground, and then turning it into Cornland...

The Lower Mosses and Moors of Birnie are almost totally exhausted, and a considerable impression is made upon the upper mosses, particularly that part of them which is easiest of access from Elgin...

The late William King of Newmiln...was the most forward in promoting this manufacture and consumpt of the fuel belonging in common to the whole feuars of the Barony. But had the address to turn it to his own private advantage.

He encouraged poor men to settle on the Common Moors. Many have resorted thither- they built houses and ploughed or dug up

bits of ground, which he put a rent upon and they paid it under that name, tho' it deserved rather to be called an acknowledgement or composition for the liberty of manufacturing and disposing of fuel from the common mosses.-

He was not satisfied with the present profits arising from this Trade, but seems to have laid a plan for the continuance of it to his successors, by crossing the line and taking possession on the Rothés side. And there can be little doubt but his design was to establish a right there by possession, for, in any other view...there was plenty of fuel on the Birney side...

During the life of the late Lord Elchies, Newmiln seems to have stood in awe, and it is believed there had been little, if any possession of Casting peats and holeing Firr by the Birnie people on the Rothés side. But it is imagined that Baron Grant soon begun to see into Newmiln's plan. For, sometime before the sale, he settled a man in the Hills, near the Line of Marches, with a view, no doubt, to prevent incroachments there. This was the more necessary as the mosses along the march are at a considerable distance from the dwelling houses of the tenants of the estate, and quite out of their view.

Lord Findlater purchased these lands in the [year] 1758, and found the man (Kenneth Ferguson) in the quiet possession of his new Settlement upon the Rothés side of the Hill called Bodingair. But in August 1758, the poor man was taken out of his house by some people in disguise, in the silence of night, and bound hand and foot- his cattle were set loose among his Corns, and fire was put to his house, which, with the furniture in it, was consum'd to ashes...It came to be clear that some of the lower class of people from Birney had been guilty of committing this audacious crime- and it was very shrewdly suspected that they had been encouraged to it by their Master. However, as the punishment was Capital, his Lordship did not chuse to carry the matter to extremities, and no prosecution was commenced...

William King...died last year- but his plan of incroachment does not seem to have died with him. His son appears to have adopted it, and to carry it on with more briskness. He, not satisfied with allowing and encouraging his settlers to pass the line [of march] quietly, did muster a number of them in June last, and sent them, under the command of his own Grieve, to the place called the Blairies, where they did cast a quantity of peats and turf further on the Rothés side than ever had been attempted before...

As he appears to be a troublesome neighbour and disposed to push matters to extremities, the Earl thinks it necessary to have clear marches with him, and for that purpose has raised a Summonds of Declarator against him...

Mr King of Newmiln...will, no doubt,...allege strong and uninterrupted possession of pasturing over all the hills and moors to the arable land of Rothés and of casting peats and holeing Firr far on the Rothés side of the Earl's line of marches...

It is believed that a proof may be brought of their cattle pasturing without interruption quite to the Cornland of Rothés- and even upon some ground which is now improved and under corn. But it is equally true that the cattle of Elchies and Rothés did pasture to the corn land of Birney and upon many parts of the Commons now occupied by the New Settlers- always without interruption. If there is any odds as to this common pasturage it is imagined it will turn out strongest in favours of the people of Elchies

Roths. They generally sent boys to herd their cattle in the Hills, whereas the Birney people drove their cattle to the hills, leaving them to go where they pleased, trusting to what they call good neighbourhood...it being an established rule of good neighbourhood that there should be no interruption of pasturage from corn land to corn land- and that every one was to guard his own corns against his neighbour's cattle.

But the Earl is positively informed that the possession of the Birney people in casting peats and turf on the Roths side of the line of marches is only a late thing and not without interruption.

The same may be said as to their holeing Firr, with this addition that...Firr is holed and carried off generally in the same day- so that a good deal of that may have been done without any of the people of Elchies or Roths knowing of it...

If this sort of possession was to establish a right the whole Town of Elgin and most of the Estates in the neighbouring Low Country, might have pretensions; it being a very common practice for people from all corners to go and hole Firr in all these hills, without the least foundation of right, or even a permission from anybody who has an interest in the Hills..."

A more advanced justification of such "improvements", looking

to future developments as well as present need, was that by William

Lorimer around 1763, quoted in T.C. Smout's "The Landowner and

the Planned Village in Scotland, 1730-1830"⁽⁶⁸⁾:-

"I don't wonder that the present tenants complain of the improvements of the hills; 'tis a new thing to them. They have not so much room for pasture; their present ideas are confined to feeding cattle, but in a few years when they are obliged to till more ground and to till it better, less ground will maintain their cattle...Necessity will first make them apply to the raising of corne, and by degrees they'll find the advantage of it preferable to pasure and do it of choice. Hence it is probable the tenant will not be hurt and the master will have more rent and more tenants. And an increase of tenants will give more opportunity to form a town and raise manufactures."

Both the chronology and fate of such settlements are complex.

Despite Lorimer's remarks it is clear that settlement of "Improvements"

was taking place widely from at least the late 1730s, while

isolated examples can be found much earlier. Common patterns were

for the land to be granted rent-free for a term of seven years,

thereafter to be valued and let normally, or for the land to be

let for a normal 19 years term, full rent being charged for the last ten years with nominal rent in the first three years of the tack, one-third full rent in the fourth to sixth years of the tack and two-thirds full rent in the seventh to ninth years.

Some of the improvements established themselves as permanent farms or crofts and are still in cultivation at the present day. Others were, after only a short tenure as independent holdings, absorbed by neighbouring old-established farms. In many instances the tenants were unable even to sit out the term of their original lease and compensation to them was discretionary, not statutory. It is fair to see them as the cannon-fodder of the battle with Scotland's inhospitable geography.

Malcolm Gray suggests⁽⁶⁹⁾ that it was mainly after 1790 that the process of settlement on wholly new holdings occurred. Some of the material cited by him, however, may have been misinterpreted. Pursuits of divisions of commonry, together with declarators of marches, seem to have been most actively pursued in the later eighteenth century, and it is to be presumed this was done with the intention of settlement. For many areas I can give only an impressionistic picture of development, but for Strathspey I have examined carefully successive rentals. A considerable number of entirely new holdings appear. In the early nineteenth century new lands were still being brought under cultivation, but

the pattern has changed. No longer is it common for the tenant to be placed upon remote virgin land: instead, existing holdings, with development potential, are being "lotted" among tenants who receive sufficient arable to maintain themselves together with part of the improveable ground. To this later type of creation of new holdings, as much as to the former, much of the evidence cited by Gray equally applies.

The change to development from existing holdings was not, of course, total. Some commonities were still to be divided and a number of expensive drainage measures made available for arable use large blocks of land which it would be impractical to incorporate with adjacent existing holdings. The shift of emphasis is, however, clear. Only the stout-hearted would set out on creation of such a holding, and the encouragement they received from the proprietors can be described only as minimal. Generations of climbers using Ryvoan bothy must have felt some sympathy with my remote ancestor who petitioned without success against increase of rent in renewal of his lease:-

"I James Grant Tacksman at present in Ryvoan in the very heights of Abernethy...will give the same as formerly paid five pounds six shillings and sixpence sterling Being the full Rent charged and I think rather high in Rent for $2\frac{1}{2}$ acres of Land. Also it is a stormy and wild place and very inconvenient to bring any provision for myself and Family. But at allowance I will leave myself as yours honour seems meet....Ryevoan, 9th September 1829."(70).

Expansion of cultivation within existing holdings and increased productivity.

"The eminence of the agriculture of Scotland" the Encyclopedia Britannica remarked in 1875⁽⁷¹⁾ "is due in large measure to the moral worth and intelligence of her peasantry." Before dismissing such a remark as the ill-advised outcome of Victorian piety, the remarks (unduly to my mind neglected by modern historians) of some other writers of that era should be cited. On 6 March 1889 John Milne, tenant of the farm of Atherb, Maud, Aberdeen-shire, inspired by a lecture given the previous year by Dr. William Alexander, told the story of his own farm since 1783. He prefaced his particular account by remarks which should be borne in mind by all agrarian historians:-⁽⁷²⁾

'Dr. William Alexander, in his paper "The Making of Aberdeen-shire" has...shown the great rise of rental, consequent on vast improvements in farming and the extensive reclamation of barren land. He contends that for three quarters of a century these improvements have been effected by the tenants...It would be well to put on record some of the details of the process by which they were effected. Many circumstances have stood in the way of such a record. Many of the men who made Aberdeen-shire had neither time nor motive to do so. The work was little thought of at the time, and we are only beginning to see its magnitude after it has been accomplished. Nevertheless, the history of the improvement of a farm has often been the farmer's life history. He devoted his whole energies to his farm, but without wishing to publish to the world his joys and sorrows, his gains and losses. On the larger holdings the toil and expense of reclamation was not felt so keenly as on the smaller ones. On smaller farms, where the land had to be wholly or in great part brought under cultivation, the struggle was intense, more especially in the first half of the century. The farmer had little or no capital to begin with, while money was expended as fast as it was made. There was not then the same facilities for marketing as now, and much time was lost in long cart journeys to seaports. One is apt to wonder now how the work of reclamation was done at all."

Milne, in fact, shows the arable acreage of Atherb being more than doubled, the expenditure falling almost wholly on the tenant who paid throughout the full value of the holding.

William Alexander's own paper appeared in print in 1892:-⁽⁷³⁾

"...Apart altogether from Government grants, or other aid, the tenants of Aberdeenshire have to be credited with a

substantial contribution to the making of the county. Under improving leases many hundreds of acres were reclaimed and made arable by tenants, larger and smaller, whose only inducement was the security of possession given by an ordinary nineteen years' lease entered upon at the full value of the holding at the date of entry, while in not a few cases the capital they could command, apart from their own habits of indomitable industry and rigid thrift, was marvellously small. I may best illustrate this point, perhaps, by briefly narrating a case, the main facts of which are known to me personally. In 1832 a tenant entered upon a holding not inappropriately known as the Reisk. The extent in arable land of very poor quality was about 20 acres, and there was double that extent in heather, whins, and wet clayey waste. The rent was £15. His capital consisted of a halfworn mare and cart, a couple of cows, and less than £10 in cash. He had a wife and child, and the farm-steading of thatched clay-walled buildings, which were far from new, had certainly not cost over £30 in their original construction. The tenant, who spent several years towards the close of his life in Aberdeen, and died not many months ago, an octogenarian and something more, sat in his holding for something over 'two nineteens'. Before the end of his first lease, by almost incredible personal industry- literally keeping his own hand incessantly at plough, pick, or spade- with what help his growing young family could give him, he had extended his arable area from twenty to nearly sixty acres. The annual value had been raised from £15 to £60, in other words, from five shillings to twenty shillings an acre, without a penny of expenditure to the landlord. And so long as matters went on upon the old lines, the laird not pushing too closely for his rent when seasons were backward, the tenant, by his own admission, continued not only to make ends meet, but gradually to 'fog' a little. The times were good, and if his reclaimed land was but thin, it was still 'sharp', and for the time 'answered' well to a little extra manuring. It was only when he and the laird, by common agreement, burdened the Reisk with the annual interest charge applicable to the capital outlay necessary in providing a slated dwelling-house and new steading that matters began to get too tight, and that then rather than see his capital gradually diminishing, as his own physical strength had now begun to do, he gave up the lease and realised what was his by a dispenish sale.

The case which I have narrated in brief outline, with as near as may be literal adherence to the facts, was, perhaps, above average notable as regards the amount of hard labour performed by the tenant with his own hands, for no man who had not more than average power of physical endurance could ever have gone through it. But in its main features it was in all respects typical of hundreds of similar cases. In the same parish, indeed, they could be traced out by the dozen, and if in many of the cases the tenants failed to come quite up to the same standard as makers of their holdings, they as a rule realised correspondingly smaller returns. The tenant I have specified retired an old man, with a capital of some £300; not a few of his contemporaries reached the close of the working period of an industrious and thrifty life, largely spent in improving farming, without being able to do more than barely hold their own; and an appreciable proportion did not find it possible to do even as much as that.

I know what can be said, generally, on behalf of the lairds on this head; but may not enter upon that at length. I therefore content myself by saying, that while freely admitting the claim of not a few landed proprietors of the present and recently past times to have discharged their duty towards the land and towards their tenants in a spirited, equitable, and even generous manner, I must still stand by my contention that for the past three quarters of a century the tenants have either directly carried out, or borne the charge of carrying out, the greater part of the improvements effected."

Their remarks are, in large measure, reinforced both by earlier writers and a small quantity of statistical evidence.

In November 1840 the Reverend James Farquharson, D.D., a Fellow of the Royal Society of London, attempted to calculate tenants' capital and returns in his parish. His view was that the tenants' capital invested in his parish amounted to £48,052:15:0d. Allowing each farmer only £12 per annum for the value of his own labour, he calculated the common surplus to replace capital and pay interest at £2414:11s. "a sum totally inadequate for these purposes".⁽⁷⁴⁾ He stated that, since 1820, the tenants, their capital being their own, and the farmers and their families being 'to a very great extent, their own labourers' had 'been enabled to struggle on, though not deriving that emolument from their capital to which they might be well entitled'.⁽⁷⁵⁾ A carefully calculated summary of his accounts from farming near Cullen of John Wilson, covering 1831 to 1848, similarly shows a tenant failing to receive any reward on his capital.⁽⁷⁶⁾

Indeed the mass of evidence for responsibility for agrarian change in the early nineteenth century lying mainly with the tenants, prepared to venture capital to a considerable extent, is such that it is surprising until Smout's work little credit was being given to them. Wilson's pioneering with tile drainage in Banff-shire in his capacity as a tenant rather than as agent

of his landowner is clearly brought out by the correspondence reproduced in an Appendix⁽⁷⁷⁾ while in Aberdeen-shire introduction of this major advance seems to be similarly the work of a tenant, who erected a tile-work at Westfield of Auchmacoy, Logie-Buchan, in 1834.⁽⁷⁸⁾ I do not suggest that the landlords played no part at all- on the Seafield estates an allowance of £5 per acre was made to tenants for bringing land to cultivation from moorland from at least 24 July 1819,⁽⁷⁹⁾ being, according to an estimate by David Walker, an Aberdeen land surveyor, about a third or half of the cost of doing so,⁽⁸⁰⁾ but the value of this payment was diminished by the fact that the interest thereon at 5 per cent was added to the tenant's rent. The situation was, perhaps, fairly put by George Robertson, Factor on Brucklay and Fettercairn, when examined before the Select Committee on Agricultural Distress

on 4 May 1836:- (81)

"13666. Has there been a great expenditure of capital by the landowners upon the land? There has; but the great improvements have been done by the tenants.

13667. Do the tenants lay out money upon the lands, and not the landlords? The landlords have done a part.

13668. Therefore a great deal of the improvement of the land may be considered as the interest of money laid out by the landlords? No, I do not think it may be considered that altogether."

Consideration will be given in the next chapter to the expenditure which landowners did actually undertake in connection with agricultural improvement. At present it is necessary only to note that it formed a small part only of the total investment, the landowners receiving the benefit of the other expenditure through continuing to receive rents at about the level to which they had risen during the Napoleonic Wars despite the general fall in prices which followed its close.

In the New Statistical Account the minister of Clatt attempted to list the factors which had raised the productivity of his parish:-

"The husbandry now almost universally adopted is of the most approved description, and many of the obstacles that formerly obstructed the progress of agriculture have yielded to the combined influence of skill, industry, and capital. The abolition of run-rig, or intermixed allotments of ground occupied by different tenants; the conversion of crooked and highly raised, into straight and moderately low riggs; the exclusion of surface water from low-lying fields; the efficient draining of marshy ground; the removal of large surface stones, which were alike unseemly in appearance as detrimental to productiveness; the application of lime to reclaimed ground, or to dormant soil, which deep ploughings had brought into contact with manure; the introduction of early seed from the more genial southerly counties; the substitution of an improved breed of horses for the puny and powerless animals, the native breed of the county; the exchange of the cumbrous and wasteful machinery of a twelve oxen plough, for the two horse plough, of a lighter construction; the general prevalence of drill-turnip husbandry; the adoption of the rotation of cropping best adapted for the respective soils; the abolition of servitudes and mill-multure; these, under the auspices of practical knowledge, and of moderate capital, have conspired in bringing the husbandry of the parish into no distant competition with the boasted agriculture of the finest counties." (82)

Symptomatic of the problems facing any historian are his omissions. 1). Threshing mills had been introduced to Auchterless parish in 1791,⁽⁸³⁾ and in one parish alone, Fyvie, there were by writing of the New Statistical Account no less than 80.⁽⁸⁴⁾ It is unclear whether the landowners assisted in the erection of these to any considerable extent. On the Earl of Seafield's estates, with about (excluding villages) 1500 tenants I have examined exhaustively the cash books for Crops 1815 to 1820. Their only advances in that period for the installation of threshing mills were to David Clerk, Kilnhillock, formerly butler to the 7th Earl of Findlater and Seafield, and to John Fraser, Cashier to the Estate.⁽⁸⁵⁾ 2). In 1810 substitution of the scythe for the sickle had begun in Aberdeen-shire.⁽⁸⁶⁾ 3). No mention is made

of work on grass mixtures, though this was of importance. 4). Neither is there mention made of use of bone-meal as a manure, though it is clear it was being extensively applied in Aberdeen-shire. On 1 July 1837 the Aberdeen Commercial Company had been formed with John Innes, a landsurveyor, among the committee of management, and the success of that company indicates a buoyant demand for manures. ⁽⁸⁷⁾ Some were swifter off the mark than the minister of Clatt. His colleague in Ellon was, in April 1841, discussing in the New Statistical Account the implications of Justus Liebig's Organic chemistry in its applications to agriculture and physiology, translated only the previous year by Lyon Playfair, and which suggested improved manufacture of bone-meal by use of sulphuric acid.

Even the period between the New Statistical Account and 1850 was to see a major innovation in Aberdeen-shire in addition to the spread of those referred to. According to Dr. W.M. Mathew the first full cargo of Peruvian guano arrived in Liverpool in the spring of 1841. ⁽⁸⁸⁾ The excrement of sea-fowls, it was certainly being used at Ballindalloch by 1844, ⁽⁸⁹⁾ and John Milne's lecture and William Alexander's Johnny Gibb of Gushetneuk make clear the early and extensive use in Aberdeen-shire.

It is doubtful whether contemporaries appreciated total consequences of some improvements made. Although the implications of improved drainage in grain and grass production were appreciated there is little suggestion that liver-fluke, or foot-rot, which could prevent stock thriving, could be diminished by reducing badly drained land.

Product switching and improved marketing.

Such fame as North-Eastern Scotland enjoyed throughout the World, prior to the discovery of North-Sea Oil, was based on the quality of their cattle exported, and on their whisky. Little need be said as to the latter, since the great expansion in demand largely occurred after 1850, though it may be noted that draff, a byproduct of the process of malting barley, provided extremely nutritious cattle-food. Cattle, however, are of importance. Until the introduction on an extended scale of turnip-growing and until steam navigation by sea became reliable production of store cattle only was possible. The introduction of direct carriage of fat cattle by sea to London and of the Shorthorn breed occurred almost simultaneously about 1830.⁽⁹⁰⁾ Although some part in the introduction of the breed to the North-East was played by Captain Robert Barclay-Allardice, the Laird of Urie, and though the McCombies were a landed family, most of the major herds were the property of tenant farmers and the part of the landowner in their spread is minor.⁽⁹¹⁾

Also of importance was the introduction and spread near the beginning of our period of the Linton or Blackface sheep. The Old Statistical Account was to contain a querulous attack on the breed by the minister of Duthil, who thought they should be "extirpated from every country",⁽⁹²⁾ but his pleadings against them, as with his better-known attack on planned villages,⁽⁹³⁾ seem to have been regarded as the gut-reaction of the implacable reactionary. Under the influence of Sir John Sinclair Cheviot sheep were introduced

to Caithness and, though North Country Cheviots never became very popular in the North-Eastern counties both they and Border Leicesters were used for crossing with Blackface sheep. The common policy was to winter the sheep on low-ground arable, while in the summer they were sent to the mountainous parts of the counties. Their substitution for the old Highland sheep brought advantages both in the quantity of wool and mutton produced and in the hardiness of the sheep. It seems that only in production of milk for dairy produce and in producing softer wool could the old breed compete. Their replacement by breeds in which the wool was sheared, not plucked, and in which labour-intensive dairy produce was not the marketable commodity must have helped free workers to more productive tasks at important periods in the farming year.

Modern experts on stock-rearing have warned that adequate nutrition throughout the early stages of an animal's growth is vital if it is not to become stunted. It seems it would have been difficult to avoid constantly meeting this problem at the beginning of our period. Even without the improvements brought about by the importation of fresh stock it appears there would have been considerable product-enhancement.

Of product-switching in cash-crops it is necessary to say little. Wheat was not normally grown in North-Eastern Scotland, but the substitution of barley or improved oats for bear or inferior oats was important, the extent of the trade being, unfortunately, difficult to determine. Little appears to have been sold of turnips grown- they were almost wholly consumed on the farms- but potatoes, confined to gardens at the commencement of our period, were commercially grown to a considerable extent by the end.

If credence can be given to the Agricultural Statistics collected in 1854 in Kincardine-shire, Aberdeen-shire, Banff-shire and Moray and Nairn on about 18,057 acres some 62,672 tons of potatoes were grown, probably worth about £125,000.⁽⁹⁴⁾ The same counties grew at that time about 126,534 acres of turnips, other than for seed, with output of about 1,873,268 tons. Since, in many instances, potatoes and turnips had replaced bare fallow much of their outcome (allowing that they had a high labour and fertiliser input) was pure gain.

There does not seem to have been any major switch into dairying. A minor cash input came from poultry. By the mid-nineteenth century it appears not uncommon for the farmwife to keep large numbers of poultry, her husband providing oats and inferior potatoes without charge, the resulting income forming part of the housekeeping money. Although few dairy herds were kept except in the neighbourhood of towns, and though many of the new planned villages founded had been established with crofts sufficiently large that many of the feuars and tenants themselves kept stock and supplied their own needs, most farms, even of moderate size, kept at least one dairy cow for use of the family with any surplus converted into butter and cheese and sold. In the early stages of village-planning a clearer division between villages and surrounding areas was clearly envisaged than in the event occurred, as evidenced by William Lorimer's arguments in favour of their formation on the Grant of Grant estates:-⁽⁹⁵⁾

"Persons that are Enemies to Manufactures give this Argument against them.- You bring a great number of people upon your Estate- and you raise the price of all Provisions.- In the course of things your Manufacture fails and goes to another place and then you have a great number of poor to support and pay more for Provisions than before, as the prices of things do not fall in proportion as the

Causes of the Rise have ceas'd.

But if this Argument prove any thing it proves too much, for then there should never be Manufactures any where.- While these Manufactures flourish, they enable your tenants to pay a higher Rent, which may be a fund for supporting the poor if the Manufacture should cease, and these poor people cannot live long to trouble you, and their Children will always be useful.

Some persons who value themselves on the Antiquity of their families and others who deal in Paradoxes and Enemies to every thing that is new are Enemies to Manufactures, because by them Pedlars and Weavers become Lairds and cope with these Old Gentry- but if Wealth and Power are the two things necessary to make a figure within the world, manufactures ought to be cultivated on account of those Objects- wherever they have been established and thriven they have raised the price of Lands one half, sometimes doubled them- and, notwithstanding they raise the price of Provisions as at Glasgow, yet the Glasgow people think it worth their while in many instances to buy their fowls, nay their bread at Edinburgh and pay for the carriage of them, and the Lairds and tenants who used to give but £100 portion with their Daughters can now give £500. This is an appealing to Facts, which will destroy all Paradoxes and Opinions ill-founded."

The formation of the villages as, in many instances, producing in extended gardens a large part of their own food must be seen as admission of failure on the part of the landowners. In one of the best-known, Grantown-on-Spey, the size of the intended feus had to be increased even before they were first advertised. Though Professor Smout's article on planned villages⁽⁹⁶⁾ points out both that some villages ended up purely agricultural and some, particularly on the Annexed Estates, were almost completely aborted, it might be added that success in the launching even of some settlements now flourishing was mixed. Thus, though in the Earl of Findlater's village of New Keith, 77 tenements had been taken by Crop 1759 and were paying feu-duties, with a further 27 added in Crop 1760,⁽⁹⁷⁾ in Grantown-on-Spey only 24 tenements appear to have been taken in the first decade of the planned town. It would appear 82 feus were intended, occupation being taken as below:-⁽⁹⁸⁾

1765-74	24 feus
1775-84	9 feus
1785-94	12 feus
1795-1804	15 feus
1805-14	9 feus
1815 downwards	13 feus

The steamship, with enlarged harbours, improved marketing of produce to the outside world: the planned villages were intended to improve marketing within their own locality: development of a satisfactory road system meliorated both. For not only could produce reach a wider market more cheaply, but input of fertilisers became more economic, encouraging the fertility necessary to enable stock not only to grow but fatten.

Conclusion.

The aggregate result of these changes was more than the apparent sum of the parts. Both simple and complex chains of causation have been demonstrated. Improved feeding of stock meant more manure which, properly applied, provided the means for better feeding. Scotland has a short summer season and the risk of crop failure is high. Improved drainage meant not only that more land could be cultivated, but that all land could be ploughed earlier. Use of redesigned ploughs, with stronger tractive power, meant that this could be performed faster. The abolition of labour services and replacement of peat by coal freed farm labour in the summer to hoe turnips or mow and stack rotational grasses. Fertilisers not only aided the growth of root crops but thereby assisted them to smother weeds. Earlier cropping varieties of oats and barley not only reduced the risk of damage by rain and wind but simplified harvesting in several ways, the days being longer and the ground firmer for the carts on which the stacks were to be gathered. Displacement of the flail by the threshing mill freed the labourers in the winter to work on the drainage and inclosure which could again spark off improvements.

Even allowing that George Robertson's well-known estimate of the proportion of land worked by the landowners themselves is accurate only in terms of numbers of holdings, not their value,⁽⁹⁹⁾ their

leadership of agricultural change had, in almost all respects, vanished by the end of the Napoleonic Wars. In 1818 the Morayshire Farmers Club sent Isaac Forsyth, their Secretary, an Elgin bookseller, to Norfolk, particularly Holkam, to report on recent agricultural change. The contrast with the 1760s when landowners sent their estate servants to visit England and make their observations could not easily be more striking.⁽¹⁰⁰⁾

The reasons why the tenants had now to provide their own leadership can be tentatively suggested:-

1). Where expenditure on farm buildings was embarked on by a landowner it was often extravagant and could not bear emulation by the tenants. £4000 was provided for, on 11 February 1829, as the cost of new farm offices at Gordon Castle.⁽¹⁰¹⁾ The exact cost of erecting offices at Cullen Home farm when this was undertaken in 1815-16 is impossible to calculate since some of the contractors were also employed on work about the mansion-house, but was certainly in excess of £1000.⁽¹⁰²⁾ This expenditure was for a farm with 7 work horses, 2 saddle horses, 6 colts or foals, 14 cows in milk, 2 queys or heifers, 6 work oxen, a bull and 15 stots or bullocks,⁽¹⁰³⁾ considerably below stocking for the larger tenant farmers.⁽¹⁰⁴⁾ The contemporary estimate of George Robertson was that a sufficient set of offices for an arable farm of 150 acres, paying about £250 rent, would be about £500.⁽¹⁰⁵⁾

2). The home farms of the proprietors usually commanded the best land on the estates. Such improvements as subsoil drainage were therefore more likely to be of value to tenants with land of marginal utility.

3). Much of the landowners' income was being diverted into projects valuable to the promotion of agrarian progress but not

directly relevant to particular farms- expenditure on plantation, turnpikes, harbours, river embankment and drainage of mosses, referred to in the succeeding chapter, being examples.

4). Many of the projects undertaken by the early improvers were initiated through personal interest with little consideration as to likely return and a prevailing spirit of optimism. A number of the early improvers deliberately resided on their estates when improvements were to be begun- particularly the Duke of Gordon, Sir James Grant of Grant, James Stewart Mackenzie and Lord Deskford. Where estate factors were employed they were largely concerned, in the 1750s and 1760s, with collection and disposal of produce received in kind. The increasing employment of adequately paid full-time factors, with rents paid in cash, brought the risk of recrimination and dismissal if unprofitable expenditure was embarked upon, and brought increased caution where projects were not on a scale to involve the interest of the increasingly absentee landowners.

Forestry.

On 24 November 1748 Andrew Munro, a London merchant, wrote to Sir Ludovick Grant of Grant "I once more make you ane offer- if you will buie of my Claret that is in London, I will buie of your Timber."⁽¹⁰⁶⁾ Yet the impression of a wholly amateurish approach is somewhat misleading. Already there was from Strathspey a considerable trade with Newcastle, competing with some difficulty with Norwegian imports. Four months earlier Ralph Carr, a Newcastle merchant, had written "There never was so wretched a market as ours is at present for Timber and Deals. We have such a fleet of Danish ships arrived as never was seen at one time. I believe not less than 40 Sail, so that Deals etc. are quite unsalable as our people

taking advantage of the quantities arrived don't offer prime cost... Many of these Danes have been obliged to sell their Cargoes cheaper than they cost them in Norway."⁽¹⁰⁷⁾

The prior history of the exploitation of Highland timber it is unnecessary to trace here. A considerable amount of information was given in course of the dispute between the Duke of Gordon, proprietor of cruive fishings on the Spey, and the Upper Heritors, who wished to float timber down the river. The report of this action in Morison's Dictionary of Decisions,⁽¹⁰⁸⁾ although adequate from a lawyer's standpoint, indicates little of how much light on prior techniques of floating had been given in the papers in that action. The printed papers, contained with considerable duplication in several volumes in the Signet Library and in the Richmond and Gordon and Seafield Muniments in the Scottish Record Office, make it clear that on the Spey increased exploitation had been made possible by the York Building Company, which had, around 1730, removed a rock which had created difficulties in floating. Some account of their operations is also given in David Murray's history of the York Buildings Company, and nothing need here be added.

Despite the short-term difficulties in 1748 indicated in Ralph Carr's letter, the long-term prospects had been such that Alexander Grant, a very shrewd London merchant who later became Baronet of Dalvey, and had been partner for some years from 1743 with George Steevens of Poplar and Sir Ludovick Grant in manufacture of Sir Ludovick's woods,⁽¹⁰⁹⁾ wrote to him on 30 January 1748:-

"I am very well pleased with your resolution of making no more presents of timber and to confirm you in it...I think you abuse what God and nature have given you by complementing your wood, which is no small part of your estate. I cannot remember that any

man has made you a present of his property, so that I presume to say you have a title to preserve yours." (110).

At the same period the increasing value of manufacture of timber was bringing forth on Deeside a major lawsuit between the Earl of Fife as superior and the Laird of Invercauld and other vassals concerning their right on the servitude woods, adequately described in J.G. Michie's Records of Invercauld and in M.L. Anderson's History of Scottish Forestry.⁽¹¹¹⁾

The information in Anderson's massive, though not always accurate, book has been supplemented for this period by articles by G.A. Dixon in Scottish Forestry, 1975-76. Dr. William Grant, a London physician who was brother to James Grant of Rothiemurchus, began a boring mill on that estate to supply wooden pipes for London water.⁽¹¹²⁾ James Grant of Grant, in 1767, through Sir Alexander Grant of Dalvey, attempted without success to interest the London "New River Company", this step having been advised some years before by William Lorimer. That Company was a rival to the York Buildings Company, who had begun the exploitation on large-scale of the woods.⁽¹¹³⁾ On 7th December 1771 James Grant of Grant reached agreement for transfer to his own estate of the Rothiemurchus boring miller. John More was granted a lease for 19 years from Whitsunday 1772, with right of renunciation after 3, of Kirktown of Kylintra, for 10/- per annum, on which he was to build a sawmill and which he was to enclose. If the lease was allowed to run its course More was to receive melioration for machinery and enclosures, but if renounced after 3 years he was only to be allowed to carry away the machinery. During an existing agreement as to Abernethy and Glenchernich (Duthil) woods with

Messrs. Cumming and Allan he was, except with special liberty from Grant, to manufacture woods therefrom. He was also to be bound to take a "Tenement in Grantown and to build thereon upon the same terms with the other Tenementers there."⁽¹¹⁴⁾

The agreement with Messrs. Cumming and Allan referred to was of 13 December 1769 and thereby James Grant of Grant sold 100,000 trees at 1/7d. per tree, to be cut in 15 years, a total of £7916:13:4d.⁽¹¹⁵⁾ On 1st June 1770 Dr. William Grant wrote that this sale to "Cumming the watchmaker" had been for a totally inadequate sum,⁽¹¹⁶⁾ but it appears to be the purchasers who gave up their bargain before the lease was out, possibly because of the disputes as to timber floating.

On the Spey what the upper heritors had contended for was an unqualified right to float timber at all times of the year and for demolition of part of the Duke of Gordon's cruive dykes whenever necessary for passage of rafts of timber. The major litigation ended with affirmation by the House of Lords of a decree of 9 March 1781 by the Court of Session intended to permit both timber-floating and cruive-fishing to be exercised on the river with minimal interference to the other.^(116a)

Before the outcome of the action was certain Sir James Grant of Grant had arranged with James Willox or Macgregor, his factor, an agreement under which Macgregor became one of the contractors for manufacturing the Abernethy woods.^(116b) Some advantage was given by the 1781 decree to the Duke of Gordon who, by stipulations in the contract of 20 January 1783 with the tacksmen of the cruive fishing on the River Spey, James Gordon, merchant in Portsoy, and John Richardson and Company of Perth, provided and declared:-^(116c)

"that it shall not be in the power of them or their foresaids to stop or impede the Purchasers of The Duke's Firr woods of Glenmore from floating them down the River of Spey to the sea at any time during the Fishing Season, it being however understood that His Grace will at making the sale of said Wood make it a part of the Bargain with the Purchasers that they shall not oblige the Tacksmen of the Fishings to break down their Brae or Cruive Dyke oftener than once or at most twice every month and not exceeding three hours at each time."

The Glenmore woods were, in fact, let to Messrs. Dodsworth and Osborne, who began shipbuilding at Garmouth, a list of ships built being included in addenda to Sir John Sinclair's Statistical Account, but frequently having been omitted in binding. They also used their advantage by the 1781 decree to make loose floats of timber whereas rafts had earlier been used.

This occasioned a litigation with reversal of roles. Sir James Grant, who had previously argued the cause of freedom of navigation, objected to damage from loose floats to his river-banks, while the Duke of Gordon argued in favour of introduction of the new technique. Although the Duke of Gordon's agents found it expedient to settle by arbitration a similar claim raised against them at this period by the Laird of Rothiemurchus,^(116d) their dispute with Sir James Grant again went to court. In October 1791 the Duke's lawyers referred to "the unparalleled Litigation in which he and his ancestors were engaged...concerning both the Rights of Fishing and Floating upon this River, which lasted above half a century." They professed to consider it "next to impossible that they should have any farther Cause of controversy."^(116e) Disputes as to use of the river have, however, continued to the present day, the use of the river for timber-floating, as opposed to fishing, forming precedent in the more recent conflict between use for fishing and other recreational purposes of the river.^(116f)

The growing importance of timber-manufacture on Speyside, reflected in the above disputes, can be clearly demonstrated from the Seafield estate accounts. By September 1803 Captain Alexander Cumming at Docharn was acting as wood manager for Sir James Grant of Grant.⁽¹¹⁷⁾ Though sales of standing timber on the estates were later advertised,⁽¹¹⁸⁾ it appears that offers were too low and that almost all sales from this period were of cut timber at Garmouth. The accounts of Captain Alexander Cumming and William Forsyth,⁽¹¹⁹⁾ his successor, are therefore not wholly comparable with earlier figures. During the Curatorship of Lewis Alexander, 5th Earl of Seafield, from 1811 to 1840, they show average wood sales, almost wholly from the Strathspey estates, were about £8500 per annum, a figure greater than the whole sale to Messrs. Cumming and Allan.⁽¹²⁰⁾ Even if one must allow, as is clear from the accounts, for high expenditure in manufacture a substantial additional income was accruing to the landowner.

The main forests on Speyside were those of the Dukes of Gordon in Glenmore and Kincardine, of Sir James Grant of Grant in Abernethy and on the River Dulnan, of the Macphersons of Invereshie and Mackintosh of Mackintosh in the parishes of Kingussie and Insh and Alvie, and of the Grants of Rothiemurchus. Few Macpherson of Invereshie papers survive at Ballindalloch Castle and though a remnant of Mackintosh of Mackintosh muniments is now in the Scottish Record Office the bulk were previously destroyed by flooding and chemical damage. There is, therefore, little available on exploitation of these woods while, Patrick Grant of Rothiemurchus having granted an entail on his estates

which took effect at his death in May 1790 and restricted the sale of timber on that estate, conditions there were abnormal.⁽¹²¹⁾

The developments on Speyside were partially reflected elsewhere in North East Scotland. In October 1812 a new bridge being constructed at Potarch on the River Dee was destroyed by loose timber being floated down.⁽¹²²⁾ Swift action led to an Act of Parliament⁽¹²³⁾ receiving royal assent on 10 July 1813 providing that when bridges were under construction timber was only to be floated under them as a raft under "a person to manage and conduct the same".⁽¹²⁴⁾ Professor M.L. Anderson notes that the Earl of Fife's Mar Forest was the "largest of all the natural pine forests" at the opening of the nineteenth century.⁽¹²⁵⁾ He appears to have been unaware of a litigation keenly fought for fourteen years between Sir Alexander Duff, brother and heir to James Duff, 4th Earl Fife, and the Trustee for the Creditors of the 4th Earl, as to trusts and securities over the woods in Braemar. Since at the heart of the dispute was the possibility the creditors would manufacture timber before maturity to operate their payment the lawsuit clearly contrasts with Anderson's comments as to "the very casual way in which owners proceeded, without thought of conservation, to dispose of these venerable forests."⁽¹²⁶⁾

Even allowing for expenditure on planting, forestry normally left substantial profit to the owner. The normal period for full maturity of a fir plantation was 60 years, though of course there were earlier sales of thinnings, which may be placed against cost of upholding fences. Assuming initial expenditure of £1 per acre at 5% compound interest over that time a figure of £18.68p. on realisation would be the break-even point.⁽¹²⁷⁾ If simple

interest only at the same rate is assumed the break-even figure would be £4 per acre. Sales of timber were usually made by hoppus or cubic feet, not by a fixed sum per tree, and natural forest was often not clean-cut. It is therefore very difficult to estimate the profitability of woodland. Professor M.L. Anderson has given figures by Grigor, a contemporary forester, calculated in 1849, for the White Cow plantation of Pitfour in Aberdeen-shire. This gave an outcome of £26:12:6d. per acre on 400 acres of very exposed ground. If, however, the initial expenditure on that plantation was correctly stated at £4:17:9d. per acre valuing not at the 3% compound interest used by Grigor but at 5% compound interest as more accurately reflecting cost of borrowing to landowners, that plantation would have been unviable.⁽¹²⁸⁾

In contrast to Anderson's views I would suggest that, with increasing income from forestry came a growing awareness of the need for orderly and continuous management. George Dixon has quoted William Lorimer's observations in 1762:-⁽¹²⁹⁾

"Wood will every year become of more Value.- Hitherto Woods have been prodigiously neglected almost every where- and most of Gentlemen are beginning to plant- both Coals and Peat-Moss will fail, and then you must have recourse to Wood for fireing.- 'Tis to be hop'd the world will increase in numbers of people who must have a proportional number of Houses, and as these Houses will probably be better, more timber will be necessary."

At a less philosophical level increased concern may be seen in negotiations, similar in some measure to those before noted as to Braemar Woods, as to interests of liferenters on Scottish estates. These might take several forms. The fiar might try to restrict the liferenter's use. On 10th and 13th February 1770, for example, the Earl of Moray took opinion of Robert McQueen, later Lord Braxfield, as to the power of Margaret Wemyss, the

Countess Dowager, to exploit the forestry on her locality lands.⁽¹³⁰⁾
Or he might purchase up the liferenter's interest. In February-March 1837 John Duff Dingwall, proprietor of Corsindae and Brucklay, agreed with Charlotte Innes, widow of William Duff of Corsindae, for her interests in the woods of Corsindae.⁽¹³¹⁾ Or an agreement might be entered into where the creditors of a liferenter agreed to restrict themselves to manufacture of a fixed proportion of timber in return for a guarantee they would be permitted to continue manufacture beyond the death of the liferenter, this being the substance of an agreement of 9 May-10 August 1840 between the Creditors of the Marquis of Huntly and the Earl of Aboyne, his son and heir.⁽¹³²⁾

Growth of concern in forestry management may also be seen in such steps as pressing for strengthening of the laws against muirburn. A resolution in favour of this was passed by the freeholders of Moray on 7 October 1763 and published in the Caledonian Mercury of 22 October 1763. The law against muirburn was, in fact, strengthened in 1763, though not by a special Act of Parliament but in an Act principally concerned with close seasons for game.⁽¹³³⁾

Returns received from forestry are, however, unlikely to have matched the expectations of Sir Archibald Grant, one of the principal enthusiasts for extensive planting:-⁽¹³⁴⁾

"If an estate hath much waste land, incloseing and planting will be the cheapest and most certain improvement for part of it. Suppose 4000 acres are so employed, besides large gains by pasture, especially for breeding horses and mules, the result from the wood alone may be in perpetuity after eighty years from the first planting or growth of part of it, above £5000 sterling per annum, in any situation where tollerable access to sea, by land or water."

Fishing.

The principal distinctions to be drawn here are between whale-fishing, herring-fishing, white-fishing, and salmon-fishing.

Little need be said as to whale-fishing. The early history of this trade has recently been investigated in Gordon Jackson's 'Bounties and Scottish Whaling, 1750-1800'.⁽¹³⁵⁾ In the initial stages only Aberdeen in the North-East had a whale-fishing enterprise. Later the Robinson family, merchants and thread-manufacturers in Banff, who acquired the lands or superiorities of Gask, Cairngall, Towiebeg and Gaval, were involved in whale-fishing from Banff, though their operations never rivalled those of Aberdeen or Peterhead. The Robinson family included George Robinson of Clermiston, sometime Agent to the Earl of Fife, and both William Rose and Stewart Souter, Commissioners to the Earls of Fife, married daughters of that family,⁽¹³⁶⁾ but there seems no ground for the contemporary belief that their diverse operations were in any way backed by Fife family money. The Peterhead Greenland whale fishery was commenced in 1788 by the Robert, a ship of 169 tons, replaced in 1802 by the Hope, which, being of 240 tons, attracted the Government whaling subsidy.⁽¹³⁷⁾ The progress of the industry in the years to 1818 is charted in Peter Buchan's Annals of Peterhead, which he printed in 1819, complete with crudely engraved etching demonstrating a whale being flayed and polar bears being killed. The loss of Government bounty in 1824 was compensated by exploitation from 1821 of the Davis Straights in addition to the former Greenland grounds. This industry remained of importance in Peterhead until well after 1850, but declined from a peak of 32 vessels in 1857 until the Peterhead whaling fleet was wholly superseded in 1893.⁽¹³⁸⁾

Many of the fishers involved in the white-fishing, as is made clear in Provost George Brown's account for Thomas Telford, were also herring-fishers.⁽¹³⁹⁾ A considerable number of new fishing villages were founded between 1750 and 1850. Some were developed by single proprietors, such as Down, later Macduff, advertised in the Aberdeen Journal from 17 August 1761 by James Duff, Viscount Macduff, heir and successor to the 1st Earl Fife, or Portsoy and Whitehills, advertised by Lord Deskfoord in the Aberdeen Journal of 17 January 1763. Others were developed by corporate enterprise, Lossiemouth, for instance, being promoted by the Burgh of Elgin. Burghead was the fruit of a partnership in which Thomas Sellar and William Young were moving spirits, while partners included Sir Archibald Dunbar, George Forteath of Newton, Colonel Francis William Grant, later Earl of Seafield, Joseph King of Newmiln, and the Duke of Gordon. Most of the fishing at the commencement of our period had been conducted without benefit of harbours or from those of the most rudimentary nature. Considerable information on fishing villages extant about the end of our period is given in the evidence to the Royal Commission on Tidal Harbours in Scotland in 1847,⁽¹⁴⁰⁾ which incorporated data from the relevant reports of the Commissioners for the Herring Fishery established under 48 George III, c.110. Significant additional data is, however, extant in the records of the Department of Agriculture and Fisheries in the Scottish Record Office, and remains to be fully exploited. It is clear from these, from Dr. Douglas Lockhart's thesis on planned villages in North-Eastern Scotland, and the work of Mr. George Dixon that the lists of planned villages in 'The Landowner and the Planned Village

in Scotland, 1730-1830,⁽¹⁴¹⁾ though valuable contain both misdatings and omissions.⁽¹⁴²⁾ It is to be hoped that a comprehensive gazetteer will yet be published.

That Provost Brown's description of the nature of agreements between landowners and white-fishers in Buckie has widespread validity throughout North-Eastern Scotland in the late eighteenth century is shown by the Statistical Accounts, the estate papers of the Dukes of Gordon, Earls of Seafield and Erroll, the Barons of Exchequer as succeeding Lord Forbes of Pitsligo,⁽¹⁴³⁾ and numerous newspaper advertisements. Major developments before 1850 were (1). with improvements in boats, it became unusual for the former pattern of the landowner to supply the boat to apply, the boat being wholly furnished by the fishers (2). the improvements were, in large measure, linked with provision of adequate harbours, the landowner's income now coming from harbour dues and rent of fishing cottages where earlier it had been laid on the boat and its produce (3). whereas the fishers frequently traded through the landlord in the eighteenth century they were, to a much greater extent, free agents by 1850 (4) Wick, described by Brown as centre of the line fishing, was among the parts of the country most seriously affected by the cholera outbreak of 1832, whereafter Peterhead gained considerably in importance as a fish-curing centre at expense of Caithness.⁽¹⁴⁴⁾

In brief, landowners' income from fishing villages was, in many instances, greatly increased at the expense of considerable capital investment.

More must be said about salmon fishings. Developments on the Spey are given in detail with some note of relevant developments on other rivers, but a full treatment is impossible. Many

of the disputes on other rivers concerned conflicting titles or changes in the course of the river with considerable implications for local parties, but little general significance.

The rent received by the Duke of Gordon for the Spey salmon fishings rose from £166:13:4d. in Crop 1750 to £8200 from Crop 1832. This was partly through the acquiral of a number of the smaller fishing rights of other proprietors, but not to any significant degree. Much more of the increase was due to improvement of the technology of the fishing and relevant legal developments. The early cruives enjoyed by the Gordon family and their tacksmen had been somewhat ineffective- described generally as 'brae dykes'. In many instances this was used for "stream fishing", in which the salmon was directed to an opening where they were speared with a "leister", shown in an engraving in the Second Report from the Select Committee on Salmon Fisheries of Great Britain.⁽¹⁴⁵⁾ So great was the transformation of salmon-fishing in the course of the century that, on 9 July 1836, stream-fishing was found to be illegal.⁽¹⁴⁶⁾ The later cruive dykes were much more substantial and destructive.

In the 1730s the tack of the Spey fishings was held by Captain Fall of the North Berwick family which was also connected with the Tweed salmon fishings and with various whale-fishing companies. Thereafter the tack was taken over by John Gordon, later of Cluny, Curator to the minor Alexander, Duke of Gordon, and held by him until 1764. In 1746 one of the Hogarth family came from Berwick and, in the next year, began net and coble fishing on the Nether Don.⁽¹⁴⁷⁾ Use of this method spread quickly to other North-East rivers. It was asserted in a summons

of 25 October 1757 concerning the River Findhorn, brought by

Sir William Dunbar of Durn and others against Alexander Brodie

of Lethen and his tacksmen that the latter had:-(148)

"only right to that particular species of fishing which is known and distinguished by the name of Stell fishing, and only to 5 Stells, and the nature of these stell fishings is by a coble and net wrought by 2 persons, one upon the shore holding one end of the net, the other in the coble having the other end of the net, the net so used not exceeding 25 fathoms in length, and which Stell fishings can only be practised at particular times of the flood, i.e. till about half flood, which is called the flood stell, and...about the half Ebb, which continues till about low water, and is called the Ebb stell..."

However they:-

"in place of the nets used of the particular dimensions above specified...which therefore could only encompass a small part of the river at one draught or hawl, have now prepared and set up severall nets of the nature of draught or herry-water nets near double the size of the nets formerly used, or which can be lawfully used in these stell-fishings, and as these nets are made to cover the greatest part of the river from one side to the other at low water, they intercept and destroy every species of fish passing up the river, and such fish as escape are driven seawards till towards low water, and are then caught in the other nets and engines prepared for their destruction..."

That lawsuit expanded into a controversy as to the appropriate dividing line between the sea and fresh water, pursued in parallel with one on the same subject-matter on the Spey. In both surveys were prepared by Peter May; both were taken to the House of Lords, and in each the records are extremely bulky. (149)

Hardly were the Court clear of these disputes before there arose controversies on the River Deveron and fresh arguments on the River Spey. An action was raised in Banff sheriff court in June 1769 and was pursued there and at Edinburgh to August 1774. It dealt partly with erection of a flour mill near the cruives, this being purely of local interest, but also with alterations of the cruive dykes where subject-matter was of general relevance. (150)

A further case as to that river, in which William Garden, later an estate factor, (151) made a report of 10 July 1783 was also of general relevance, since it was found unnecessary to remove sole-

trees or side posts of cruive boxes during the "Saturday slap".⁽¹⁵²⁾

The Spey disputes concerned initially a plea that, the authors of the Earls of Fife and other heritors having been granted curroch fishings or general salmon-fishings, it was incompetent to the Crown to grant to the Duke of Gordon's authors the right to erect cruives. This had been done on a charter of resignation by the Marquis of Huntly in 1684. In this claim, however, they had no success, the right of the Dukes of Gordon being upheld.⁽¹⁵³⁾

It was as a subordinate plea in this action that the major dispute as to conflict between timber-floating and cruive fishing previously referred to began. While these were in agitation the leasing out of the Spey fishings was, for a time, replaced by a copartnery, under an agreement of 26 January 1765, in which the Duke of Gordon held the major interest but Patrick Stuart of Tannachy held a small share and acted as managing partner.⁽¹⁵⁴⁾ From the death of Tannachy in 1778 for a few years the fishings were operated wholly for the Duke's benefit and the decision again to let them out may have been forced by the premature death on 8 September 1782 of his principal factor.⁽¹⁵⁵⁾

On 20 January 1783 the Spey salmon fishings were leased to James Gordon, merchant in Portsoy, and John Richardson and Company, merchants in Perth. The tack was to be for 21 years and fishing seasons from 1 December 1782, with provisions for breaks. There was to be a tack duty of £1530 per annum with £1 for each acre of land leased at Fochabers and 15/- for each acre of land at Burn of Tynett. The tacksman was to relieve the Duke of Gordon of all cess, stipend etc. on said lands, to deliver yearly to

Baron Gordon two kitts of salted salmon bellies and six kitts yearly to Gordon Castle and to furnish at 2½d. sterling per pound fresh salmon to the Duke of Gordon for the family at Gordon Castle. Provisions in this lease in favour of timber-floating have been already outlined. (156)

In course of that lease it appears an ice-house was built, enabling a trade in fresh salmon to be added to that in salted fish. Roup of the new lease was made on 25 September 1802. This provided for a 14 years lease from 1 December 1803 of these fishings with a 13 years' lease from 11 December 1804 of fishings formerly possessed by Robert Munro from Sir William Gordon of Gordonstoun and Alexander Penrose Cumming Gordon of Altyre and Gordonstoun. (157) Messrs. George Robinson and Company of Banff, whom we have noted as involved in thread-manufacture and whale-fishing, offered £7000 per annum. Their offer was rejected because the cautioners offered were considered unsuitable. One, Urquhart of Meldrum, had offered his estate for sale; though it was expected there would be a large surplus after payment of his debts it was considered that he would be able, unless his fortune was secured in land, to transfer his wealth outwith the reach of those who might rely on his offer to become caution. The other proposed cautioner was James Rose-Innes, advocate. His father, William Rose, sometime Commissioner to the Earl of Fife, had married into the Robinson family. (158) Against him it was objected that he had no independent estate, only a liferent annuity from his wife daughter and heiress of Thomas Innes of Monellie, Writer to the Signet. (159) Though the Robinson family were rejected as tacksmen of the Spey fishings they had more success at the mouth of the Deveron. In the 1820s there was a dispute between the Magistrates

of Banff and the Earl of Fife to whose predecessors they had granted a right of fishing used only to the east of a point near the burgh. Some years later the burgh began fishing westward of that point, and the ensuing lawsuit as to whether they had power so to do makes clear the Robinsons' heavy commitment in salmon-fishing there.⁽¹⁶⁰⁾ This appears, from evidence on 4 May 1836, to have commenced by their leasing Lord Fife's fishings on the River Deveron about 1776.⁽¹⁶¹⁾

On rejection of the Robinsons' bid as to the Spey fishings, a lease was entered into with the underbidders at an annual rent of £6300. The lease was signed by the Duke of Gordon on 30 September 1803 and by the lessees at various dates to 22nd October 1803.⁽¹⁶²⁾ The tenants were Forbes, Hogarth and Company, comprising William Forbes, merchant in Aberdeen, George Hogarth of Marshalmeadows, Thomas Arbuthnot of Kinmundy and James Arbuthnot of Dens. The Arbuthnots, merchants at Peterhead, who were also involved in the whale-fishing from that port, were tacksmen also of the fishings on Lord Reay's estates and other Scottish rivers.⁽¹⁶³⁾ They were partners in the Aberdeen Commercial Banking Company when the copartnery was renewed in 1807.⁽¹⁶⁴⁾ William Forbes, who had purchased the estate of Echt on 23 June 1802,⁽¹⁶⁵⁾ was partner in the Bank and also largest partner in the Aberdeen Annuity and Life Assurance Company, founded in 1803.⁽¹⁶⁶⁾ George Hogarth, who signed the lease at Berwick, was probably the uncle of George Hogarth of Woodhall, merchant in Aberdeen, who became on 16 August 1803 a partner in the Life Assurance Company and was also a partner in the Bank. With James Forbes, son of William Forbes of Echt, Joseph Hogarth and Alexander

Low, George Hogarth, junior, was on 11 July 1808 a partner in Forbes, Low and Company, cotton manufacturers, Aberdeen.⁽¹⁶⁷⁾

Studies on Scottish entrepreneurship have largely concentrated on the Glasgow merchant community and it is clearly time further research was done concerning other parts of the country. On 17-18 May 1825 George Hogarth, junior, resident at Aberdeen, gave evidence to the Commons Select Committee on Salmon Fishing.⁽¹⁶⁸⁾

By 1830 the lease, which now reached its peak rental of £8200 per annum, had passed wholly to the Hogarth family with George Hogarth of Marshall Meadows, George Hogarth of Woodhall and William Hogarth, shipowner in Aberdeen, as partners.⁽¹⁶⁹⁾ William Hogarth appears to be that son of the 1825 witness who was himself to testify on 26-27 April and 23 May 1836 before a later Select Committee on Salmon Fishing.⁽¹⁷⁰⁾

In 1843 the lease was renewed to William Hogarth, but for the shorter term of five years, the rent having declined to £6000. He subscribed the lease on 20 April 1844, it having been previously signed by the Duke of Richmond, now the proprietor of the Gordon Castle Estates, with Thomas Balmer, Chamberlain to the Duke of Richmond, and Alexander Marquis, a Factor to the Duke, as witnesses.⁽¹⁷¹⁾ The precise factors leading to this fall in rental are uncertain. From the evidence given to the aforementioned Select Committees it is, however, clear that the Hogarths were involved in lease of the fisheries of a large number of Scottish rivers. About 1821 or 1822 use of stake- or bag-nets for fishing in salt-water was begun on a limited scale.⁽¹⁷²⁾ Their use was objected to, but upheld by the Court of Session on 31 May 1826 and the House of Lords on 11 July 1828⁽¹⁷³⁾ in a case as to fishings

on the River Don. It was found that "Proprietors of salmon-fishing in an adjacent river have no title to object to heritors on the sea-coast, who hold a right of fishing by net and coble from the Crown, exercising their right by stake-nets." Between that decision and 1836 the numbers of such stake-nets increased dramatically and their design was considerably improved.

The significant implications of salmon-fishings and such changes may be seen in a report to John Duff Dingwall of Brucklay, contemplating purchase of the estate of Woodston, made by Alexander Crombie, his Commissioner, on 24 May 1824:-(174)

"I feel more difficulty as to the Salmon fishing; formerly the River North Esk ran through the Estate and emptied itself into the Sea on Woodston; but a violent flood in the River made a passage through the Lands on the adjoining Estate of Kirkside to the south of the old tract. Since that time it has approached more to the North towards Woodston but is still about 700 yards to the South of Woodston. The present Rent of the Salmon fishing is £560, which arises chiefly from the Stake nets. If the Stake Nets are declared illegal the value of the Fishing might be reduced to £200...and if the River were to resume its old course and enter into the Sea on the Woodston Estate the Fishing would be worth £1500 a year. It is therefore very difficult to appreciate the fishing with any degree of certainty."

Sporting Income.

By 1850 deer-stalking and grouse-shooting were only beginning to become significant as sources for income to a landowner. Only in a few small areas were shooting rights leased out. In Aberdeenshire in 1855 the Valuation Roll shows only about £6735 received in rent for leases of shootings and relevant mansions, over half thereof being accounted for by Crathie and Braemar parish. (175)

Much of the popularity of the Highlands for sporting purposes originated with Georgina, daughter of Alexander, 4th Duke of Gordon, who married in 1803, as his second wife, John, 6th Duke of

Bedford. She frequently sojourned in Speyside and Sir Edwin Landseer was commonly a house-guest. Engravings of paintings he had executed there of animals did much to draw attention to the Highlands and their wild-life. In 1846 Charles St. John published Short Sketches of Wild Sports and Natural History of the Highlands. The continuing popularity of the writings of Sir Walter Scott, particularly Waverley had some significance, and even such satires as W.E. Aytoun's "Glenmutchkin Railway", brought forth by the railway mania of 1845, had a part to play in arousing interest in the Highlands. In 1848 Queen Victoria first visited Balmoral; the present Castle was occupied by her on 9 September 1855 and within a few years sporting rental became a major element in the income of all Highland landlords.

Income from outwith the estate.

The sources of income above outlined arose basically from within a landowner's estate. It is possible with income arising outwith the estate to do little more than indicate the growing significance and outline the major sources.

Military and public service.

Between 1750 and 1850 the British Army was involved in the Seven Years War, the American War of Independence, the Revolutionary and Napoleonic Wars with France, the expansion of British dominions in India, with conquest of territories in other parts of the globe.

At the Jacobite Rebellion of 1745 the Scottish element in the British Army was, in regimental terms, fairly small. It consisted,

applying the numbering system of regiments subsequently adopted, of:-

- 2nd, Royal Scots Dragoon Guards
- 3rd Foot Guards, The Scots Guards
- 1st Royal Regiment, The Royal Scots
- 21st Regiment, The Royal Scots Fusiliers
- 25th Foot, King's Own Scottish Borderers
- 26th Foot, The Cameronians
- 42nd Foot, The Black Watch.
- (Un-numbered), Lord Loudoun's Highland Regiment

Few Scots were involved as officers in any of the other regiments of the army and military employment could not have provided more than a fortunate handful with any significant profit. By 1850 a number of the Scots regiments had formed Second Battalions, sharing nothing except their title with the First Battalions. Treating each as a separate regiment we find only Loudoun's regiment had disappeared of those listed formerly while there had been formed:-

- 71st Regiment, Highland Light Infantry, 1st Battalion
- 72nd Regiment, Seaforth Highlanders, 1st Battalion
- 73rd Regiment, Black Watch, 1st Battalion
- 74th Regiment, Highland Light Infantry, 2nd Battalion
- 75th Regiment, Gordon Highlanders, 1st Battalion
- 78th Regiment, Seaforth Highlanders, 2nd Battalion
- 79th Regiment, Cameron Highlanders, 1st Battalion
- 90th Regiment, Cameronians, 2nd Battalion
- 91st Argyll and Sutherland Highlanders, 1st Battalion
- 92nd Regiment, Gordon Highlanders, 2nd Battalion
- 93rd Argyll and Sutherland Highlanders, 2nd Battalion.

In addition to these permanent regiments, moreover, a number of line regiments had been formed and later disbanded, while there were also fencible regiments and militia in existence at various points during the period of study. Even a glance at the Army Lists, published by authority from 1754, will make it clear that, while few Scots were involved other than in Scots regiments in the early period, they had, while retaining most of the commissions in the greatly expanded Scottish portion of the British Army, effectively infiltrated many of the other regiments.

Supplementary, of course, to income derived directly from

commissions was that derived from clothing and victualling contracts. Sir Alexander Grant of Dalvey is the best-known of those connected with North-Eastern landed families to make their fortune by government contracts, but Robert Grant of Elchies was likewise enabled to purchase his estate on profits of governmental contracts, and it is probable others benefitted on a lesser scale.

Comprehensive listing of those involved is impossible within the limits of the present study. Some idea of extent of involvement may be given by notes on members of the House of Commons connected with North-Eastern Scotland holding seats prior to 1790 and deriving income from military employment or contracts subsequent to 1750 given in Appendix 22.⁽¹⁷⁶⁾ It must be admitted that this picture is in some measure distorted. In 1771 James Grant of Ballindalloch, returned from the Governorship of East Florida, sought support from Sir Ludovick Grant of Grant and James Grant of Grant in a bid to replace Colonel Francis Grant of Dunphail, brother to Sir Ludovick, as Member of Parliament for Moray. He pointed out that during his time in parliament Francis Grant had obtained colonelcy of a regiment and suggested he need no longer retain his seat. On 6 December 1771 James Grant of Grant wrote that though he and his father would be willing to support Ballindalloch as candidate were Francis Grant willing to retire, and they saw good reason why he should, each was bound to support Francis Grant while he wished to continue.⁽¹⁷⁷⁾ Ballindalloch had been a fellow-officer with William, Earl of Sutherland, who died in 1766, and had accompanied him to military college in Germany.⁽¹⁷⁸⁾ Through this connection he entered Parliament in 1773 and obtained his regiment in 1775. Military promotion was

not, however, inevitably thirled to political interests. The Leith-Hay family in Aberdeen-shire, now represented by the gentry family of Leith-Hay of Leith-Hall and the Forbes-Leith family, baronets of Fyvie, derived much of their fortune from General Alexander Leith-Hay of Rannes, his sons, Sir Andrew Leith-Hay of Rannes and Leith-Hall and Admiral John James Leith, and his brother, Lietutenant-General Sir James Leith. Only one of these appears to have been in parliament, Sir Andrew Leith-Hay from 1833-38 and 1841-47, and, though he obtained thereby the post of Clerk of the Ordnance and was for a time Governor of Bermuda⁽¹⁷⁹⁾, his appointments seem no more lucrative than those those enjoyed by other members of his family without the expense of parliamentary elections. Military employment was not even, of course, confined to the British Army. The careers of the Earl Marischal and of his brother, Field-Marshal James Keith, are well-known, but there were others in foreign service, notably Lieutenant-General Robert Fullerton of Dudwick in the Russian service and Major-General Thomas Gordon of Buthlaw in the service of the King of Greece.

Even when high rank was not obtained it was possible to obtain a moderate competence, particularly in India, though it is rash to comment without very full information. Thus though Colonel Hugh Grant of the East India Company Service, a younger brother of James Grant of Sheuglie, Chamberlain of Urquhart,⁽¹⁸⁰⁾ purchased the estate of Moy in Moray from Sir James Grant of Grant⁽¹⁸¹⁾ a large part of his fortune seems to have been derived from Alexander Grant, an elder brother, Colonel of a Native Infantry Regiment, who distinguished himself at Plassy.⁽¹⁸²⁾ It is clear, however, that some who amassed fortunes began from

humble origins and derived their whole fortune from their military endeavours. Major-General Alexander Ross, who purchased the estates of Castlemilk in Dumfries-shire, was brother to Professor John Ross and James Ross, the Duke of Gordon's Cashier.⁽¹⁸³⁾ Though the Dictionary of National Biography gives the impression that his father was a landed proprietor in the parishes of Lumphanan or Kincardine O'Neil his true origin is clearly given in James Ross's admission as a notary. Even more remarkable is the story, told by Joseph Mitchell,⁽¹⁸⁴⁾ of Anderson's Institute, where the Magistrates of Elgin found themselves in the possession of between £60,000 and £70,000 through the bequest of the child of a maniac woman who had lodged in the ruins of Elgin Cathedral and who had subsequently made his career in the Army.

Though the Navy appears to have employed fewer of the North-Eastern landowners it was not totally without significance and, as with the army, there was considerable expansion in the course of the century. Rear-Admiral John James Leith has been already mentioned. Others who obtained senior rank included Admiral Robert Duff, a younger brother of Patrick Duff of Premnay,⁽¹⁸⁵⁾ enabled to purchase Logie and Fetteresso, Admiral Viscount Keith, who purchased Stonehaven from the York Buildings Company, and Admiral Archibald Duff of Drummuir, who materially improved the village and harbour of Hopeman, which he purchased about 1837.

The significant expansion of both services had indirect, as well as direct, implications for landowners. Although, since promotion was, in the army, largely by purchase, those of established fortune enjoyed an advantage, children of many of

the more substantial tenants became officers. On their retirement from the army some became farmers, investing the proceeds of the sale of their commissions, while others advanced part of their gains with the landowners on heritable or personal bonds. Even at a lower level much of the improvement of lands undertaken in the early nineteenth century appears to have been the work of army pensioners.

Even the implications of direct involvement are, however, incalculable. the emoluments of army officers consisted partly of payment related to personal rank, partly of payments related to any company or colonelcy held (and of varying value dependent on how far replacement of equipment was required), and partly of prize or booty money.⁽¹⁸⁶⁾ Only twenty years after the close of our period did Cardwell's reforms, with abolition of rank by purchase, and governmental supply of clothing, bring a situation where a military salary represented the true emolument. With naval officers there still exists a right to salvage, now of little practical importance, but obviously significant throughout the whole century between 1750 and 1850.

Little need be said of other forms of public employment. Though James Ferguson of Pitfour, Senator of the College of Justice, was the last landowner to achieve a considerable estate in Aberdeen-shire through a career in Scots law, and the circumstances were peculiar,⁽¹⁸⁷⁾ legal employment provided a continuing supplement, in many instances, to the estate income of many landowners.⁽¹⁸⁸⁾ One source of public employment in Scotland has been largely ignored- the ministry of the established church- though Hew Scott's Fasti Ecclesiae Scoticae⁽¹⁸⁹⁾ makes

it clear that, though the children of the nobility rarely became ministers, many small landowners went through university, qualified to be ordained as ministers, and combined ownership of their estates with tenure of parishes. Employment in the diplomatic service and other miscellaneous public employment⁽¹⁹⁰⁾ in some measure provided a means of advancement, as when James 'Ossian' Macpherson purchased the estate of Balavil in Inverness-shire,⁽¹⁹¹⁾ but more frequently reflected existing importance of a family, as, for instance, with the tenure by the Dukes of Gordon of the Keepership of the Great Seal of Scotland.⁽¹⁹²⁾ Although Britain lost its principal American colonies in 1783, there was the piecemeal acquisition of considerable colonies in India, Australia, Africa and South America. Lists of principal officials are given in Hadyn's Book of Dignities,⁽¹⁹³⁾ but in addition to the principal Governors and administrators there named, including a number of prominent North-Eastern landowners, there were frequently nominated councils, customs collectors, magistrates and other officials where the posts might be filled by minor landowners or their children.

Any approach listing landowners employed in the public service will be defective in view of gaps in lists and difficulties in identification. Moreover, in many instances, employment was held until marriage or succession to the estates and then resigned, though more suitable posts were frequently later sought and obtained. General James Grant, for instance, resigned his Governorship of East Florida when he succeeded to Ballindalloch, but later served in the American War of Independence and held commands within Britain in the struggle against the French Revolution.

John Macpherson-Grant, his great-grandnephew, who had been Secretary to the Legation to Portugal, resigned from the diplomatic service before his marriage, but became a Poor Law Commissioner for Scotland after his father's death. Such appointments permitted general oversight of the affairs of their estates, while still giving a welcome supplementary income, while the posts earlier held, entailing long-term residence abroad, they considered unsuitable.

"Windfalls".

A wide range of miscellaneous sources of income was open to a landowner, the most important being trade, investment outwith land, and marriage.

The significance of trade being already well-established, it is necessary to say little. The muniments of many families from North-East Scotland bear witness to activity as financiers or merchants. While the marriage-contract of 30 March-7 April 1756⁽¹⁹⁴⁾ between James Allardice of Allardice and Ann Barclay, daughter of James Barclay, banker in London, promises with her only £1000 sterling of portion (in return for which she was to have an annuity of £100, the standard pattern found by Habakkuk in English marriage-contracts), it seems probable she "had expectations". Her two brothers died unmarried in 1797 and 1812; her daughter, Sarah Anne Barclay-Allardyce married Robert Barclay, 5th of Ury, though she was divorced after adultery with a footman whom she subsequently married.⁽¹⁹⁵⁾ In addition to what then fell to her first husband, a further considerable inheritance fell, following her death on 7 July 1833, to Captain Robert Barclay Allardice of Urie and Allardice, her son, who held them until his death on 1 May 1854.⁽¹⁹⁶⁾ Sir William Forbes, Baronet, the great Scottish

banker, purchased Pitsligo Castle and some surrounding lands and the estate of Pitullie.⁽¹⁹⁷⁾ The Mansfields, of Mansfield, Ramsay and Company, Bankers, purchased Midmar. John Dingwall, who succeeded to Brucklay on 26 March 1803, had been jeweller in Croydon, which involved money-lending and it will be seen that he and his heirs were thereby enabled to add considerably to the estates previously held in North-East Scotland.⁽¹⁹⁸⁾

Merchants were much more frequently met with than financiers and are correspondingly commoner among sources of capital inflow in North-East Scotland. Successful mercantile activity by those who were, or became, proprietors in North-Eastern Scotland appears to have encompassed the globe. The tradition of trading by men from the area in districts of maximum risk and opportunity was well established before 1750. Of continuing significance for Aberdeen was the Hospital founded by Robert Gordon, the Dantzig merchant and miser, who died in 1732. Dr. John Anderson, founder of a charity whose Trustees made advances on heritable security to the Earls of Erroll⁽¹⁹⁹⁾ and Lords Forbes seems to have combined his profession with trading in the Island of St. Christophers prior to 1740. Later activity was even more widespread. The Brander family, who founded the planned village of Branderburgh and were primarily responsible for draining the Loch of Spynie⁽²⁰⁰⁾ were principally involved in the wine trade in Europe⁽²⁰¹⁾; a more precarious trade was that of James Irvine of the Drum family in paintings and antiques⁽²⁰²⁾; John Stewart, an East India merchant, purchased the estate of Carnousie in Banff-shire from Trustees appointed on 15 September 1824 by Patrick Duff, the former owner,⁽²⁰³⁾ and then turned his attention to the purchase of Belladrum in

Inverness-shire where, on allegations measurements and valuations given him by the seller had been inaccurate, dispute as to the purchase continued from 1826 until 1843.⁽²⁰⁴⁾ The family of Forbes of Bellabeg was more fortunate in outcome of their East Indies trading; John Forbes, merchant in Bombay, was able to purchase up the lands of his bankrupt elder brother, the Rev. George Forbes, minister of Leochel, while, through continuing their uncle's trade, Charles Forbes, eldest son of the said Rev. George Forbes, acquired considerable estates in Aberdeen-shire and was created Baronet of Newe, and a younger brother, Michie Forbes, acquired Crimond.⁽²⁰⁵⁾ Even China, where Charles Gordon traded at Canton from 1773 to 1776, was grist to the mill of the enterprising Aberdonians.⁽²⁰⁶⁾

The most important trading area, however, was the West Indies, particularly Jamaica. The Baillie family of Dochfour, small wadsetters in the early eighteenth century, acting as country lawyers and factors for the great proprietors, had, from their profits as Bristol West India merchants, advanced to hold in Inverness-shire and Ross in 1872 lands with estimated annual value of around £20,000, their purchases including the larger part of Badenoch, disposed by the Trustees of Alexander, Duke of Gordon.

In a number of instances families not only traded with, but owned, or held long leases of, plantations in the West Indies. A common pattern ⁽²⁰⁷⁾ was for a younger member of the family to manage the overseas investment while the head of the family remained in Britain. But other investments were also made on a limited scale. On 1st October 1770 it was noted that £700 had been paid in subscription money by the Earl of Findlater to

the Forth and Clyde Canal and that a further £1300 was payable.⁽²⁰⁸⁾ Though these shares did not at first pay dividend the subsequently showed a reasonable return, and were sold in 1840 for £13,000.⁽²⁰⁹⁾ Similarly on 1st September 1770 money was noted as due to the Earl of Findlater from the Bute East India ship.⁽²¹⁰⁾ On 4 February 1772 £5000 was lent Captain James Ogilvy, son to Theophilus Ogilvy, a Commissioner for the Earl of Findlater⁽²¹¹⁾ at the Earl's desire. This was for purchase from Sir Charles Raymond, ship's husband, of the command of the Valentine East India Ship, which was wrecked off Guernsey sometime prior to 11 December 1780. To the replacement 'Valentine' Donald Cameron and one Captain Newt were ship's husbands. In 1780 Lord Findlater paid £1000 to Donald Cameron for 1/16 share in the replacement ship, with £340 on 14 July 1781 to complete the share.⁽²¹²⁾ Captain Ogilvy's health having failed, he was persuaded by his wife to resign the command and one Captain Lewis was appointed to command. Ogilvy's widow denied that any agreement had been made, prior to his death which occurred shortly thereafter, for payment of any sum by Captain Lewis for the command, but, in a letter of 1st January 1784 John Chalmer, a Scots Parliamentary Solicitor in London wrote that £4000 was believed to have been paid her and initiation of an action in Chancery was contemplated.⁽²¹³⁾ On 21 January 1784 £1543:16:3d.

was paid to Lord Findlater as first dividend on the estate of Captain Ogilvy, with second and third dividends of £463:2:10d. and £1235:0:11d. in 1791.⁽²¹⁴⁾ The expenditure and income on the replacement 'Valentine', with progressive interest on each, was calculated by the estate factor to 31 December 1797, showing a profit to that time of £2062:19:9d.⁽²¹⁵⁾ The evidence is fairly strong, however, that until the advent of the railway companies the policies of the largest landowners to investment outwith land were conservative, particularly after the collapse of the Ayr Bank in 1772 and limited success of the early Scottish canals. Their caution is not, perhaps, surprising. Though Scots law was somewhat more gentle than that of England in dealing with the concept of unlimited liability of all partners for a firm's debts it was still harsh enough to deter ready investment in non-chartered companies.

Marriage was one of the most important potential sources of income to the aspiring landowner. On 17 March 1781 Ensign Francis Grant of the 55th Regiment wrote to General James Grant, his Colonel, as to his marriage to the eldest daughter of James Macgregor, Pittvaich, in Mortlach parish, Factor to Lord Fife. His enthusiastic letter was in marked contrast to that from James Grant, advocate in Aberdeen, three days later:- "I find the foollish Ensign has run away with....and married her, who has

not a shilling.- God knows what will become of them." (216)

To the rashness of the Ensign there is to be contrasted the cynicism of Sir James Innes, later Duke of Roxburgh. On 14 December 1768 his cousin, Sir James Colquhoun, reported from Edinburgh that Innes was to marry a Yorkshire heiress and hoped to exercise a right of redemption he had obtained when his estates were sold to the 2nd Earl Fife:- (217)

"He is at present confined taking some medicines in order to clear him of a suspicion which he has had and at present very necessary before he embarks in matrimony, but Dr. Grant who attends him assures him that in a fourthnight hence he will be quite safe to proceed. This gives him some uneasiness, but I told him since he had any reason to suspect a thiefe lurking, it was far better to be at a certainty before he went up."

The marriage cannot be described as a happy one- she died on 20 July 1807 and he remarried on the 28th. (218)

Often, indeed, there was considerable pressure on a landowner or his heir to marry. The tocher from marriage of a son was often necessary to provide for his sisters. On 26 February 1762 the 5th Earl of Findlater wrote to his grandson, James Grant, younger of Grant:- (219)

"To think seriously of chusing a wife is, in my humble Opinion, your duty to your father, your family and your friends....I believe a little money might be useful to the affairs of your family, but a prudent, frugal agreeable Woman will soon make up for want of money....I acknowledge it is necessary that any person whom you pitch on for a wife should be well content to reside, in general, in the North of Scotland, because, without that, the affairs of your Family cannot be managed to purpose and would go into disorder and confusion, for they require a minute attention, but a woman of piety, virtue and discretion, who loves you, will certainly see the necessity of a conduct suited to the state of your affairs, and place her honor and satisfaction in making you easy, and effectually promoting the Interest and prosperity of your Family.

It will readily occur that a Scotch Lady, not accustomed to the diversion and manner of living in London, is the most likely to answer these purposes, but, as any person whom you happen to marry must probably be sometimes at London, and as Scotch girls can learn to like the follies of London, I don't think this should put you under any constraint; for an English Gentlewoman,

educated by virtuous and frugal parents, may answer your purpose and mind the affairs of your Family very well, of which there are many instances. However, if your Affections are not engaged in England, I think the right way is, to come to Edinburgh in the end of May and to stay a couple of months there and in the counties adjacent, where you may have variety of choice....

As a further argument against delay of your thinking seriously about marriage, Sir Ludovick says, he has many projects in his head that would tend to the benefit and honor of your Family. One of them is, to purchase an Estate or two adjacent to Moy, which would add greatly to the conveniency of the Family's living frequently in that pleasant part of the low Country, and likewise to its lustre and Interest in the County of Murray. But this, he says, he cannot think of till he sees you fixed in an economical way of living.....He says, by making such purchases, or by carrying on any considerable projects for the Improvement of the Estate, he must for a time, by contracting some debt, diminish his yearly revenue, and why should he do so without being sure that the advantage is to come to you and your posterity, and that you will use your endeavours, with attention and diligence, to carry on what may be for the Interest of your Family...."

In many cases the families exercised a veto over what were considered unsuitable marriages. Around 1785 Keith Urquhart of Meldrum wrote to the Countess Dowager of Fife as to his son,

James Urquhart's proposal to marry a first cousin:-(220)

"Madam,- As my Son has been twice at Rothiemay within this short time, and for a good while together, your Ladyship and Mr. Duff, I presume, cannot be ignorant of his Errand. You are both likewise so far acquainted with the Circumstances of my Family as to comprehend thoroughly that any marriage which does not bring money along with it, must end in his Destruction, and put an end to our Family with regard to its Station among the landed Gentry of this Country. I have always loved my Children, and have ever had it in view not only to save, but, if possible, to build up my Family. For this reason I have abstained from re-marriage myself, at a time of life when many a man would have thought himself well intitled to please his fancy, and to embrace any condition of life which he might think would most tend to his satisfaction.

What steps I have taken to procure an advantageous marriage for my son, it is not now the time to declare, nor am I altogether at liberty to do so, yet I will go the length to say that a full consent was obtained from two of the nearest of kin (one of them the Parent) and nothing remained to be done but that he should endeavour to recommend himself to the good opinion of the young Lady. That is now over, which is disappointment to me, and though I never thought myself intitled to force a Marriage upon him, yet I think myself perfectly well intitled to put a negative upon any marriage which I may judge to be improper for him. That negative I have put upon the present occasion, and will steadily adhere to it...."

In other cases the choice was specifically left to the parties.

In 1760 James Grant, younger of Grant, was on the Grand Tour. On 14th March his friend, James Philip Lyon, brother to the 9th Earl of Strathmore, wrote as to Sir Ludovick Grant's desire his son should return in June: "The Terms he offers upon your return are £100 a month, a Seat in Parliament and a compleat furnished house in the Country, and what wife you please...."(221)

As was true in England the marriage of an impoverished landowner was frequently outwith the landowning classes, often because of difficulties in arranging settlements within those classes. On 28th December 1827 George Macpherson-Grant wrote to John, his son:- (222)

"The Laird of Brodie's flattering prospects are blasted; the marriage is off. His friends declaring that it was at one time all settled and the ladies mother that there was nothing in it. So far from his being an affluent Northern Proprietor he is over head and ears in debt and it is not unlikely that the necessity of his obtaining possession of the Cash instead of having it tied up in Settlements may have been the cause of the extinction of his hopes..."

Marriages for the sake of money occurred at the highest level.

Although it is not always safe to assume marriages with a considerable discrepancy in age were for mercenary reasons, this was clearly the case in many instances. Sir Alexander Ramsay of Balmain, the 6th Baronet, was born in 1717. A merchant in London to 1743, when he returned as heir-presumptive to his uncle, he married on 9 December 1744 Mary, daughter and heiress of Alexander Irvine, advocate, of Saphock and Knapperna having "secretly and by dubious means, secured the agreement of Alexander Irvine of Saphock, an old and ailing man, to the marriage of his daughter, aged ten." (223) Saphock died in 1746 and she in 1750. The Irvine

family were successful in a suit against Ramsay for estates he thereby inherited, on grounds that the marriage-articles had been obtained by fraud and circumvention, but on 10 December 1753 he gained them on appeal to the House of Lords.⁽²²⁴⁾

Ramsay, who succeeded to the baronetcy of Balmain on 27 January 1754, did not die until 11 February 1806, but sold the estates he had so gained by rousp on 12 May 1757, when they passed to the Honourable William Gordon of Fyvie.⁽²²⁵⁾ The similar

marriage of Patrick Duff of Premnay in 1721 is referred to in an Appendix.⁽²²⁶⁾ That of Sir Andrew Mitchell, who, on 22

July 1722, married his second cousin, she being aged 10, differed only in that he, aged 14, was also immature. She died, aged 17, in 1729 and their daughter in 1741, when the estate of Thainston fell to Mitchell by ascent.⁽²²⁷⁾ The marriage of

George, later Duke of Gordon, on 11 December 1813, seems to have been of this type. He was born on 2 February 1770 and his wife, Elizabeth, daughter of Alexander Brodie of Arnhall, who had made his fortune in Madras and died on 15 January 1812, on 20th June 1794. Arnhall, bought for £22,500 in 1796, was sold in 1814 at £70,000.

But marriages which did not couple old age and youth were also made for money. James Duff, 2nd Earl Fife, and his wife, Dorothea, daughter of Alexander, 9th Earl of Caithness "with £40,000, but whose claims to the estates and earldom of Caithness were finally rejected in 1767...separated 1771."⁽²²⁸⁾ Somewhat more happily his illegitimate son, Sir James Duff of Kinstair, on 12 August 1785 married Basilia, daughter of James Dawes of Rockspring, Jamaica, an heiress. Andrew Fraser, 15th Lord Saltoun, married on 9 June 1784 Marjory, daughter of Simon Fraser, an East India Company Director. The last Earl of

Findlater, in announcing his impending marriage to his heir-presumptive, Sir James Grant, had described his future wife as 'ugly', but stated he received several thousand pounds with her in ready money. It was, however, in this instance to be asserted, in an action between the Earl's heir and one of his legatees, that this marriage had been forced upon the Earl by her family.⁽²²⁹⁾ In the same manner one must look at the marriage between George Skene, who became 18th Laird of Skene in 1756, and Mary, daughter of John Forbes of Alford. He "having, by common report, seduced his deaf-mute cousin, was forced into marriage, at pistol point, by her father and brothers."⁽²³⁰⁾

Such cases were, however, few and notorious. The settlement to be expected on a marriage between members of the same class was normally within fairly narrow ranges, which were well understood, and unless parties were exceedingly rash, or were intent on buying their way into a more elevated social class, no extravagant provisions could be expected, while equally no one could expect to marry off his daughter without paying a substantial tocher.

If marriage-portions were predictable legacies were not, but their importance could be equally considerable. Captain Edmond Livingstone made a number of bequests and annuities to his illegitimate daughter and others, but when he died on 16 March 1820 the bulk of his extensive funds were bequeathed to purchase lands to be entailed on holders of the Erroll peerage, and it was probably this which, combined with marriage to an illegitimate daughter of William IV, saved that family from the total loss of their estates which had seemed the inevitable outcome of spendthrift policies and heavy jointures.⁽²³¹⁾

Somewhat similarly when Jonathan Forbes of Brux, the last of that line, died in 1801, the estate was inherited by Andrew Forbes, son of James, 17th Lord Forbes, the succession being tied by Brux's bequest within the family of Lord Forbes.⁽²³²⁾ More common, obviously, than such donations by strangers were legacies or inheritance within the immediate family. When, for instance, money was advanced to the impecunious 8th Viscount Arbuthnott in the 1840s this was partly on the understanding he would be heir to his brother, General the Hon. Hugh Arbuthnott of Hatton.⁽²³³⁾ Even illegitimate offspring might feel a tie of loyalty. Robert Gordon, bastard son of Sir Robert Gordon, 4th Baronet of Gordonstoun, who acquired a large fortune in India, by his will of 16 August 1776, left a considerable part to Sir William Gordon, the 6th baronet. Robert Gordon died on 4th May of the next year, and was buried at Bombay.⁽²³⁴⁾

While it may be assumed that such legacies were unusual, and may thus be ignored by the general historian, they were surprisingly common. The trades and professions from which landowners derived supplementary income were also those in which younger sons were commonly involved. Since their success came frequently only in middle age, and their careers were 'unsocial' in demanding residence where it would have been considered improper to take European women, many were either unmarried or left no children. Of the five brothers of the 4th Earl of Aberdeen two became admirals, two, who died prematurely, lieutenant-colonels in the army and Knights Commander of the Order of the Bath, while the fifth, Sir Robert Gordon, a Grand Commander of the Order of the Bath and Privy Councillor,

was Ambassador to the Ottoman and Austrian Empires. While, since the Earl became Prime Minister in December 1852, the careers of his brothers, all of whom died unmarried, may be considered exceptional, all seem to have been securely established before he became a leading political figure.

There is, therefore, excluding borrowing, a wide range from which expanded revenue or capital inflow to the existing landed classes could take place, and though it was improbable any family would benefit by all of them they would be unfortunate to be bypassed by all. Certainly in trouble they sought these sources. On 18 November 1766 James Grant of Grant, having made calculations concerning the finances of his cousin, Sir James Innes of Innes, wrote:- (235)

"...By the above it is clear Sir James cannot keep the Estate unless some Scheme is thought of. I would therefore from the sincere regret I should feel to have such a near Connection and old Family extinguishing, at least with respect to this Country, propose the only method I can conceive effectual, viz. That all the Friends with the Family shall contribute immediately to purchase a Commission for Sir James Innes and that they shall likewise do their utmost to obtain for him some place under Government- if this is settled and that Sir James can resolve to live upon his pay as Captain, we may add the very good Chance of marrying to advantage, which is surely the more likely if he keeps even the name of an Estate, but even to make these things effectual, as all except the Commission depends upon good Fortune, the Estate must be sequestrated, Gardens and every thing set to the highest and his friends imploy at their own Expence (unless by future advantages Sir James may repay it,) a clever and vigilant Factor who shall make the Estate turn out to the utmost."

CHAPTER 5.
THE EXPENDITURE OF LANDOWNERSHIP.

If the varying forms of income of landowners during the period of study are convoluted and difficult to describe the nature and balance of their expenditure is no less complex. Convenient division may be made into (1) public burdens (2) management expenses (3) family provisions (4) household (5) building (6) agricultural improvement and estate investment (7) roads and public enterprises (8) political and legal expenses, and (9) expenditure on the estate-owner.

Public burdens.

A rough classification of these may be suggested as:-

- (1) feu-duties
- (2) stipends
- (3) schoolmasters' salaries
- (4) churches and manses
- (5) land tax
- (6) assessed taxes
- (7) income tax
- (8) death duties, and
- (9) poor relief.

(1) Little need be said about feu-duties. Such payments were usually only of nominal sums and were permitted in many instances to accumulate uncollected over a long term of years. More important were the associated compositions for entry of vassals, which at times amounted to the equivalent of the true rent for one year.

(2) Teinds have been discussed on Pages 64-67 above and little need be here added. Until a decision of the House of Lords on 22 May 1789 it was considered by the Court of Session as Commissioners of Teinds that, where they had granted an augmentation of stipend, this could not be subsequently further augmented.⁽¹⁾ In the next 18 years, from August 1790 to July 1807, augmentations were granted in 828 cases. The Commissioners were with difficulty able to cope. The result was an Act of Parliament⁽²⁾ which provided (i) for the amount of stipend normally wholly to be fixed in terms of victual

even in those parishes where it had been usual to fix it wholly in money (ii) that no stipend modified or augmented before the Act could be augmented for 15 years from date of decree, and (iii) that stipends modified or augmented after passing of the Act should not be again augmented for 20 years. In a number of parishes the whole teinds were insufficient to provide a reasonable stipend for the minister, and supplementary provision was made by Government under Acts of 1810⁽³⁾ and 1825.⁽⁴⁾

(3) Although schoolmasters' salaries were increased by an Act of 1803,⁽⁵⁾ they remained at a low level. Schoolmasters were normally also the session-clerks but there are also frequent instances of their obtaining supplementary income from other sources, private tutoring, land surveying, and part-time clerkships for estates or Justice of Peace Courts being among the most common.

(4) On churches and manses considerable expenditure took place in the century studied. Many were fine buildings by established architects, such as Alexander Laing and Archibald Simpson, and a high proportion are still in current use.

(5) Prior to 1707 a land tax had been intermittently imposed in Scotland. The Act of Union had fixed the proportion to be paid by Scotland in relation to England and thereafter the tax was levied annually by means of Supply Acts until 1798. In that year the amount of the tax and the Scottish contribution thereto was made perpetual and a redemption scheme introduced. This remained in force with modifications until 1949 when a scheme of compulsory redemption was introduced. Land tax was finally abolished in the Finance Act 1963, though in the royal burghs, which were dealt with separately, it had been suspended since 1896. In the counties administration of the land tax had been dealt with by the

Commissioners of Supply since introduction, but in 1835 the duties of collection were taken over by the Treasury. The Commissioners of Supply remained in existence until 1889, power being given by the Lands Valuation (Scotland) Act of 1854 for the larger proprietors to be represented by their estate factors. With the introduction of County Councils in Scotland, the judicial functions of the Commissioners of Supply were transferred to the sheriff courts.

(6) Assessed taxes are of considerable complexity. In 1747 Henry Pelham altered the Window Taxes which had, with modifications, applied in England from 1696 and provided (though with exemption from a basic charge of 2 shillings laid on all dwellings in England) that these were to extend to Scotland.⁽⁶⁾ In 1777, in midst of the American War, a tax was introduced on wide categories of male servants,⁽⁷⁾ while taxation was also introduced on carriages. This was followed in 1778 by a tax on inhabited houses.⁽⁸⁾ These were, initially, fairly light burdens, but in 1797 they were tripled in an attempt to meet the expenses of the war with France. With the introduction of militia pressure was applied for "Voluntary Subscriptions" to Government, but with mixed success.⁽⁹⁾ With widespread evasion of the Assessed Taxes a new source of revenue had to be found and, accordingly, on 3 December 1798, William Pitt delivered his speech outlining his proposals for income tax.

(7) Income Tax accordingly took effect in 1799. It was abolished after the Treaty of Amiens, but reintroduced when this proved only a temporary truce, becoming the Property and Income Tax. Whereas the yield from Land and Assessed Taxes in 1798 was £4,608,144, that in 1815 from these and Income and Property Tax was £21,618,124, the new tax producing the lion's share.⁽¹⁰⁾ In

1815 the tax was again abolished, but reintroduced on the return of Napoleon from Elba. It was considered as a war-time tax and the attempt to retain it in peace-time brought an outcry against the Government, who were forced to agree to abolition in 1816. Matters remained thus until 1842 when it was again introduced by Sir Robert Peel,⁽¹¹⁾ remaining in force thereafter.

(8) In 1780 a stamp-duty was placed on any receipt or discharge for legacy by will or testamentary instrument 'or for any share or part of a personal estate divided by force of the Statute of Distributions or the Custom of any Province or Place.'⁽¹²⁾ Administration was placed in the hands of the successors of those appointed in England and Wales in 1694 as "Commissioners for the several duties upon stamped vellum, parchment and paper." Revenue raised under the 1780 statute was fairly small, but their association with inheritance provided the link whereby when, in 1796, Pitt introduced Legacy Duty⁽¹³⁾ the Commissioners of Stamp Duties were given oversight. The Commissioners were amalgamated in 1834⁽¹⁴⁾ into the Commissioners of Stamps and Taxes,⁽¹⁵⁾ themselves merged in 1849⁽¹⁶⁾ into the Commissioners of Inland Revenue.

Extending only to legacies and shares of moveable estate Legacy Duty was supplemented in 1853 by Succession Duty, covering heritable estate and those classes of moveable estate which had previously escaped duty. Although the maximum rate of Legacy Duty, ten per cent, was only leviable on succession by a stranger in blood this included illegitimate offspring. Major payments, however, as that of £5486 on the Seafield property in 1825,⁽¹⁷⁾ were probably rare.

(9) A considerable rise in expenditure on Poor Relief took place during the period of study, though many of the statistics

given are misleadingly incomplete. The old Poor Law failed partly because of the Disruption and partly because of the increasing tempo both of rural and urban change. The evidence to the Poor Law (Scotland) Inquiry on 30 August 1843 of Sir George Macpherson-Grant of Ballindalloch is of interest as he, and in turn Sir John Macpherson-Grant, his eldest son, were to be members of the Board of Supervision under the Poor Law (Scotland) Act of 1845:—⁽¹⁸⁾

"The witness has always held that every landed proprietor should take care of the poor upon his own estate, and has acted upon that principle. He can conceive an assessment for the poor often operating with great injustice, where one heritor has introduced feuing upon his estate. A village is erected, where persons from all quarters get established, without the means of being employed in productive labour, and they ultimately become a burden upon the parish in many cases; while the heritor, drawing the feu-duties of the village, is the only person who is benefited by their residence in it. If the principle were followed out of making every landholder take care of the poor upon his estate, proprietors would either be deterred from building villages, or they would have to maintain the poor generated by them out of their own funds; otherwise the effect comes to be, that the other heritors of the parish are paying him his feu-duties in the shape of poor-rates, because such feus are generally taken by some middle man, who invests his money in the speculation: he takes care to screw the rents out of the paupers, and the landlord again receives his rent from him."

The general acceptance of that principle before the introduction of compulsory poor relief, and gradual disuse thereafter, explains in large measure some of the very considerable increases in amounts spent by parochial boards when compared with the earlier kirk sessions. In Kincardine-shire, for instance, total annual expenditure around 1807 was stated (including mortified funds) at £948:2:1½d. per annum while in 1850 it was £6459:9:11¼d.⁽¹⁹⁾ The 1845 Act was, it may be suggested, more significant in application than in its own somewhat confused terms.⁽²⁰⁾ It seems certain that some commentators have not examined the appropriate reports of the Board of Supervision established.⁽²¹⁾

Management Expenses.

Structure and records of estate management are discussed in Chapters 7 and 8. All that it is, therefore, necessary here to note is that this was a substantial and generally increasing element of expenditure.

Family provisions.

These can be briefly considered as provisions to (i) the wife or (ii) husband of a landowner or (iii) to children. The position in absence of special agreement between, or on behalf of, the relevant parties is first stated and then the incidence and nature of such special agreements is discussed.

In case of a marriage subsisting less than year and a day and no child being born, the law, prior to 1855, provided the surviving partner and representatives of the deceased partner should, as far as possible, be reinstated in their patrimonial rights as if there had been no marriage.

Otherwise, unless other provision was agreed upon the right of a widow was (1) to one-third of her husband's moveable estate after payment of debts, funeral charges etc. if he left surviving legitimate children (2) or, to one half of her husband's free moveable estate if he left no surviving legitimate children (3) to terce, being a liferent of one-third of heritage owned by her husband at date of death, subject to exclusion of feuduties and minerals and deductions of taxes, interest on heritable debt etc.

Until the Married Women's Property (Scotland) Act of 1881⁽²²⁾ all the wife's moveable property at the date of marriage, or which she might acquire during its subsistence, with the exception of paraphernalia, fell to the husband as jus mariti. As husband he had no right in her heritable estate, but, if father of a living child who was heir to his mother (even if the child predeceased her) he had, by right of courtesy, liferent of her estate.

The eldest son had right to all heritable property with exception, in terms of an Act of 1641 revived in 1661, of bonds bearing interest not specifically designed to be heritable.⁽²³⁾ His children could represent him in succession to heritable property should he predecease the ancestor from whom he obtained right.

Where there was no son, heritable property was divided equally among the daughters as portioners though with some provisos, the praecipium, in favour of the senior portioner. To certain moveables, the 'heirship moveables', the heir of line had a pre-eminent claim—the best bed and bedding in the house, the best table and dozen of table cloths and towels, the best plough, plough graith and pair of oxen, a pair of harrows, a horse, a cart, and a sledge, the family seal and the charter chest being specifically so noted.⁽²⁴⁾ Unless excluded by ante-nuptial contract the children of a marriage actually surviving at death of the father had right as legitim or 'bairns part' to equal shares of one-third of his free moveable

estate if he was survived by a widow or of one half if he left no surviving spouse, and this he could not will away from them. They would, moreover, divide the remainder, known as 'dead's part' of his moveable estate, which he could bequeath by testamentary deed if he did not do so, but died intestate. Although the heir to heritable property could be entitled to share in the moveable estate, he was permitted to do so only if he 'collated' his share in the heritage, that is, threw it into the general pool for sharing among those entitled to succeed to the moveable estate. Such a procedure was likely only to occur where a merchant, banker or industrialist, possessed of considerable moveable property, had little land. Since procedure in such instances would logically be sale of the property and division of the proceeds, or valuation of the property and inclusion as a unit in the share of one of those partaking in the division, rather than divided ownership of the landed estate, clear instances of such occurring are rare.

A natural consequence of the jus mariti was that children had no right to legitim from their mother's moveable estate, but, if she died an intestate widow, the surviving children shared equally the moveable succession- again, apparently, subject to collation by any who succeeded to heritage through her.

Almost universally these 'legal' provisions were supplanted by 'conventional' provisions. I had hoped, by examination of sasines following on marriage-contracts to establish normal values for jointures according to the class of owner marrying, the relationship between tocher and jointure, and extent of provision for children. Ignoring jointures secured by minor tradesmen over burghal property, there still remain over 300 marriage-contracts secured on land in Aberdeen-shire between 1750 and 1850. Although I have collected considerable material towards a general analysis, I have, with reluctance, abandoned one for the present, the following being my reasons:-

- i). The provisions in favour of the spouse and children usually only took effect at the death of the owner in possession; registration of the marriage-contract might take place at any period subsequent to the marriage, though it usually occurred only when the deed was to take effect, but it remained a potential burden on the lands even when unregistered. Registration was more common when an estate was in financial difficulties and it was intended to sell part over which the jointure was secured than when the estate was in a flourishing condition. There is, therefore, an inbuilt bias in contracts registered early while, if the spouse of the owner predeceased, contracts in the financially stable properties might never be registered.
- ii). In a large number of instances provision was made for widows by deeds other than the marriage-contract and it is frequently difficult to discover whether these deeds were in implement of, or supplementary to, the contract. Supplementary post-nuptial marriage-contracts, bonds of provision, purchase of lands subsequent to the marriage with destination to owner and spouse in conjunct liferent and their children,

or heirs of the owner, in fee, and provisions in the owner's trust disposition and settlement or will, are, in sum, probably as important as ante-nuptial marriage-contracts.

iii). In some instances jointures were restrictable during the lifetime of those granted by previous owners, or on remarriage of the spouse to whom the jointure was granted.

iiii). In many instances the provision was to the rent of certain lands. Often this was warranted to be worth a certain annual rental, but it is clear that, in some instances, the true annual rental rose considerably between the marriage and the commencement of the jointure, and even further during subsistence of the jointure.

v). The amount of tocher is very rarely stated in sasines on marriage-contracts, though quite commonly the original marriage-contract gives this information.

It may be noted, in this context, that prima facie on the marriage of William George Hay, 18th Earl of Erroll, in 1820, the jointures secured on the Erroll estate exceeded the nett rent after payment of public burdens and expense of management but before payment of interest.⁽²⁵⁾

Provisions to younger children are similarly complex with enormous variations. The most fortunate appear to have been the four younger children of John, 9th Earl of Strathmore, who shared £50,000 equally provided on a Bond of Provision of 7 October 1766 by their older brother.⁽²⁶⁾ Each therefore received more than the total provision of £11,200 made at the rate of £700 per head by John Duff of Hatton by Bond of Provision of 11 July 1783 and Trust Disposition and Settlement of 11 July 1783 for his 16 surviving younger children.⁽²⁷⁾ It was usual for the contracts to limit liability in some measure by providing a certain sum if there was

only one younger child, an increased figure if there were two younger children, and a larger sum still if there were three or more younger children. The provisions in the Deed of Entail and Trust Disposition and Settlement executed by Alexander, Duke of Gordon on 7 April 1815 were similar in this respect to a marriage-contract. They stipulated, in respect of the future holders of the estate, that the heir should be limited to providing £15,000 if there was one younger child, £20,000 to be divided if there were two younger children, and £25,000 to be divided if there were three or more younger children.⁽²⁸⁾ The difficulties precluding a general analysis are similar to those in respect of spouses.

I have therefore confined myself to the more modest task of outlining provisions made for the main estates examined in respect of widows and children. For the Earl of Aberdeen's estates I can add nothing to the survey by John Wauchope given in Appendix 12.⁽²⁹⁾ Information for the remaining major estates is given in Tables 4 and 5, but even here I have been unable to achieve exhaustiveness.

TABLE 4.

PROVISIONS TO WIDOWS.

Gordon Castle Estates.

Henrietta Mordaunt, daughter of Charles, Earl of Peterborough, married Alexander, 2nd Duke of Gordon in terms of contract 7 October 1706-5 February 1707. He died 22 November 1728.

Her marriage-contract was missing from the Richmond and Gordon Muniments when they were deposited in the Scottish Record Office. According to the old Inventory of the papers her tocher was £10,000 sterling. (30) She died on 11 October 1760.

The lands which she had held as locality lands were, in Crop 1761, when they were first held for a full crop by the Curators for her grandson, Alexander, Duke of Gordon, worth £2306.58p rental (31).

Katherine Gordon, daughter of William, 2nd Earl of Aberdeen, who married Cosmo George, 3rd Duke of Gordon on 3 September 1741, did so without any prior marriage-contract and against her father's wishes. On 14 September 1741 marriage-articles were signed and these were extended into a marriage-contract on 23 September 1749. Her tocher was only £2000 sterling and the lands in which she was to be provided were to be worth £800 sterling, a list being given of the proposed lands with rental of £10,811:15:2d. Scots (£901 sterling). (32) In Crop 1780, after her death, the rental of these lands was said to be £1938.21p. (33).

Jane Maxwell, daughter of William Maxwell of Monreith, Baronet. Marriage-contract of 12 October-22 October 1767 with Alexander, 4th Duke of Gordon, stated tocher had not been fixed. She was provided in a jointure of £1050 per annum and was to receive a capital sum of £1050 in lieu of household goods and mournings, the sums being secured over Badenoch and Lochaber. (34). She predeceased her husband on 11 April 1812, having been long separated and living on an allowance from the Duke which she permanently exceeded. (35). Her funeral cost £2627:18:9d. (36).

Jane Christie, long mistress to the Duke, married him in July 1820, but predeceased him on 17 June 1824 and the marriage-contract, if any existed, seems to have been destroyed.

The Duke died on 17 June 1827.

Elizabeth or Eliza Brodie, daughter of Alexander Brodie of Arnhall, formerly of Madras, married George, 5th Duke of Gordon, on 11 December 1813. There is no marriage-contract in the Richmond and Gordon Muniments in the Scottish Record Office nor does anything appear in the catalogue of the Goodwood Estate Archives published by West Sussex County Council. On 6 September 1827 the Duke made her a testamentary annuity of £1000 over the estate of Durris. (37) On 2 February 1835 he made her a testamentary disposition of the lands of Newton Garioch. (38) On 28 February 1835 he executed a holograph codicil 'I leave every thing I have at the disposal of my beloved wife Eliza, Duchess of Gordon and I hope she will not forget my [illegitimate] Daughter Susan at Genoa.' (39). He died on 28 May 1836.

Since the bulk of the estates had been transferred to Trustees by Alexander, Duke of Gordon, with the intention they should entail them, and since Durris was also entailed, this codicil probably meant little.

An Annuity of £1600 was granted her by Charlotte, widow of Charles, 4th Duke of Richmond and Gordon, sister to George, 5th Duke of Gordon. (40). She died on 31 January 1864.

Table 4, continued.

Gordon Castle Estates, continued.

Charles, 5th Duke of Richmond and Lennox, had married on 10 April 1817. Charlotte, the Duchess-Dowager, died on 5 May 1842 and, on 27 November 1843-20 February 1844, he used the Gordon Castle estates to provide security for payment to Francis Harriet Greville, who married on 28 November 1843 his eldest son, Charles Henry, later 6th Duke of Richmond and Lennox, a jointure of £1500 and value of 2000 bolls of oatmeal annually. (41)

Since Francis Harriet Greville died on 8 March 1887 and her husband on 27 September 1903 this does not seem to have become exactable.

Seafield and Grant Estates.

Lady Mary Murray, daughter of the 1st Duke of Atholl, married on 9 June 1749 James, 6th Earl of Findlater, who died 3 November 1770. She accepted payment of £200 per quarter in lieu of her jointure lands, and had as residence Banff Castle, built or extensively repaired for her husband while heir-apparent to the estate (42). She died 29 December 1795.

The marriage-contract at Bath in 1763 of James Grant, younger of Grant, and Jane Duff, daughter of Alexander Duff of Hatton and of Lady Anne Duff, daughter of the 1st Earl Fife, stated the tocher to be £5000 sterling. She was to be infeft in the lands of Mulben, Cairnty and Auchmades, warranted worth £500 sterling per annum, as her jointure-lands. (43).

Sir James Grant of Grant later provided her and their unmarried daughters with Grant Lodge, Elgin, as a dower-house. She predeceased him, dying on 15 February 1805, while he died on 1 February 1811.

The marriage-contract of the 7th Earl of Findlater, 4th Earl of Seafield, in 1779 has been referred to on Page 131. Although upheld by the Court of Session on 8 February 1814 (44) the marriage-contract, fixed in Louis d'ors, is so far from the normal pattern that doubts were felt. The value, on the Earl's death in 1811 of the jointure, was about £700 per annum, but the Countess survived him only until 24 May 1813.

Lewis Alexander Grant, 5th Earl of Seafield, was permanently insane during whole tenure of the title. His brother, Francis William Grant, later 6th Earl of Seafield, married as his second wife, on 17 August 1843, Louise Emma, daughter of Robert George Maunsell, of County Limerick. On his death on 30 July 1853 she received £750 as interim aliment, £1000 in lieu of household furniture and mournings, £924:2:7d. in lieu of stocking of Cullen House Farm, and subsequently had a jointure of £2000 per annum. (45). She died on 2 August 1884.

Erroll Estates.

The general financial views of the Earl of Erroll's estates given in Vol.3, p.192 need only be supplemented by these notes:-

(1). Isabella Carr, 2nd wife of James, 15th Earl of Erroll, who had a jointure of £600 married him on 2 August 1762. He died on 3 July 1778 and she survived to 3 November 1808.

(2). Elizabeth Jemima, daughter of Joseph Blake of County Galway, married George, 16th Earl of Erroll on 25 January 1790 with a jointure of £807:13:4d. He committed suicide on 14 June 1798 and she survived until 17 January 1831.

Table 4, continued.

Erroll Estates, continued.

Harriet, daughter of Hon. Hugh Somerville, married 14 October 1816 as his third wife, William, 17th Earl of Erroll, with jointure of £500. He died 26 January 1819. She died 28 January 1764.

Elizabeth Fitzclarence, daughter of William IV and Mrs. Jordan, married 4 February 1820 William George, 18th Earl of Erroll, with £400 jointure. He died 19 April 1846 and she survived him until 16 January 1856.

It will be noted from 1778 to 1861 there was always at least one jointure payable from the estate and usually a second.

TABLE 5.

PROVISIONS TO CHILDREN.

Gordon Castle Estates.

On 25 June 1725 Alexander, Duke of Gordon, William, Earl of Aberdeen, and William Fraser, advocate, brother to Lord Saltoun, obtained from Thomas Fordyce a receipt with endorsement for £3825 which he had lodged in the Bank of Scotland. This was to be further endorsed to Mr. Archibald Dunbar of Thunderton, who was to grant a heritable bond in favour of Henrietta, Duchess of Gordon, and the younger sons of the marriage between Duke Alexander and Duchess Henrietta. (46)

Dr. Hazel Horn's Domestic Life of a Duke (Ph.D., Edinburgh, 1977) gives no indication of any provision by Duke Alexander for his younger children.

The Curatory Accounts of Cosmo George, 3rd Duke of Gordon, indicate £500 per annum, later reduced to £400 per annum, was being paid the Duchess-Dowager for aliment of the children, presumably at the rate of £50 each per annum, until they reached majority. (47)

Lord Adam Gordon, a younger son, had from his mother, on her death on 11 October 1760, the estate of Prestonhall, which she purchased while a widow. He had £300 by a codicil to the will of Cosmo George, 3rd Duke of Gordon, his brother. (48).

Lord Charles Gordon, who lapsed into insanity, had £500 under the will of Cosmo George, with another £300 to be laid out in manner directed by the will. (49).

By the marriage-contract of Cosmo George, 3rd Duke of Gordon, with Katherine Gordon, he was bound to pay £3000 as provision if there were only one daughter of the marriage, £5000 was to be divided if there were two daughters, and £6000 if there were 3 or more. If he did not appoint the mode of division the eldest daughter was to receive £500 more than the others, who were to share equally. The Duke, however, granted a bond of provision on 20 September 1749 to Lord William Gordon for £3000 and for £2000 each to Lady Susan and Lady Anne Gordon, with a further £1000 to be divided among them on their reaching majority at the direction of the Duchess. This exhausted the sum due under the marriage-contract and two children were subsequently born, Lady Katharine Gordon on 21 December 1750 and Lord George Gordon on 14 December 1751. They were totally unprovided for, but obtained on 11 March 1754 a decret of aliment against Alexander, Duke of Gordon, their eldest brother, whereby £150 each was to be paid for their aliment to age 7, £200 each until they reached the age of 14, and £250 each until they reached the age of 21. Until Martinmas 1752 they were alimented by the Duke of Gordon. On 2 October 1756 it was agreed that the Duchess-Dowager Katharine should have £45 per annum from Martinmas 1752 to

Table 5, continued.

Gordon Castle Estates, Continued.

Martinmas 1756 for the maintenance of Lady Ann Gordon and £40 each for the same period for Lady Katherine Gordon and Lord George Gordon. From Martinmas 1756 when the children were at Gordon Castle £35 was to be paid for Lady Ann's keep, £30 for Lord George's keep, and £25 for Lady Katharine's keep. The accounts for their clothes, education, medicaments and other necessities were to be kept separately by John Gordon of Cluny, appointed on 8 December 1756 to act as Factor, which he did at a salary of £4 sterling per annum for each. The surplus arising on the aliment was to be laid out at interest for behoof of the children. (50).

By 1757 Lord William Gordon was said to be at Harrow. (51) While he and Lord George Gordon, who came to London in May 1758, then entered Eton their sisters were educated with a Madame Thomasset in London.

Savings out of the aliment were such that when Lord George Gordon went to sea in May 1756 under Admiral Durrell, John Gordon found it possible to advance £1500 in his name to Alexander, Duke of Gordon, then engaged in paying off wadsets.

John Gordon acted as Factor until Whitsunday 1769 to which period, feeling himself in poor health, he had his accounts audited on 19 May 1769 by Alexander Farquharson, accountant in Edinburgh. His son, Charles Gordon, Writer to the Signet, was appointed on 17 August 1770 by Lord George Gordon and his Curators to act as Factor. Lord George Gordon had an additional bond for £1000 on 23 October 1772 from Alexander, Duke of Gordon.

Accounts were cleared with Lord William Gordon in 1766; with Lady Susan Gordon and her husband, later Earl of Westmoreland, in 1768; with Lady Ann Gordon on 30 June 1769; with Lord George Gordon on 9 December 1774, and with Lady Katherine Gordon on 22 February 1775. (52).

There is little information in the Gordon Castle Papers on the provisions by Alexander, 4th Duke of Gordon, to his 'legitimate' younger children.

- i). Lord Alexander Gordon, his only younger son, predeceased his father.
- ii). Charlotte, the eldest daughter, married Charles, 4th Duke of Richmond and Lennox. No details of the marriage-contract seem to survive in the papers formerly at either Gordon Castle or Goodwood and no information is given in the Complete Peerage.
- iii). The first marriage of Madelina, the second daughter, was to Sir Robert Sinclair of Murkle, Baronet. By her marriage-contract of 29 March 1789 she had a tocher of £5000. (53)
- iv). Susan, the third daughter, married William, Duke of Manchester. I have been unable to trace a marriage-contract. Had at least £5000.
- v). Louisa, 4th daughter, married Charles, later 2nd Marquis Cornwallis. According to the Complete Peerage she was illegitimate, which accords with the reputation of Jane, Duchess of Gordon. I can find no marriage-contract. Had at least £5000.
- vi). Georgina, fifth and youngest daughter, married, as noted on Pages 114-5, as his second wife John, Duke of Bedford. The marriage-contract is not among the Gordon Castle Muniments in the Scottish Record Office. She had at least £5000.

Table 5 continued.

Gordon Castle Estates, continued.

Alexander, Duke of Gordon, provided liberally for his illegitimate offspring. To one illegitimate son, his favourite, Lieutenant-Colonel George Gordon of Glentromie, he provided that estate, in Alvie parish and, on 2 May 1814, a Bond of Annuity for £400 per annum. (54)

On 16-19 December 1815 a marriage-contract was entered into between Ann Gordon, an illegitimate daughter, and Captain George Gordon, Royal Navy. She was to receive an annuity of £100 payable from Whitsunday 1816 and was to have a capital provision of £2000 whereof £500 was to be paid on 20 June 1816. The remainder was to be paid at the next term-day 12 months after the granter's death with interest from Whitsunday 1816. She and her husband were to enjoy the liferent only of this sum, their children enjoying the fee, unless she predeceased her husband without issue when he was to have the fee. (55). Alexander, Duke of Gordon, granted her a further £2500 in a codicil to his settlement. (56).

On 23 January 1816 a marriage-contract with similar provisions to the last was executed after their marriage by Janet alias Jessie, daughter to the said Duke, and Rev. John Robertson, preacher in Huntly, later minister of Gartly. (57) In the forementioned codicil she received £3000.

On 26 June 1817 a post-nuptial marriage-contract was entered into between Catherine Gordon, a daughter by Jane Christie, and Captain John Anderson of Candacraig, late of 28th Foot, son of the recently deceased Alexander Anderson of Candacraig. She was to receive an annuity of £200 sterling and provision of £4200 from the Duke. Under an earlier agreement of 25 January 1817 with Alexander Anderson the Duke was to pay an additional £3000 and this Captain John Anderson acknowledged he had received on 8 July 1817 by bill at one day's notice. (58) She received a further £4000 in the codicil earlier noted.

On 2 August 1822 the Duke agreed to provide £6666:13:4d. in 3 per cent Consols for a marriage-settlement between Lieutenant Alexander Gordon of the Royal Engineers and Zebbee Anne Rose Touzi. (59) He received a further £1000 through the codicil previously referred to.

By that codicil two further daughters, by Jane Christie, received provisions, one for £4000 to Jean Gordon, wife of Lachlan McIntosh, the other for £5000 to Susan Gordon, wife of Francis Smith.

It seems certain one James Cosmo Gordon, for whom over £1000 was advanced ere he left for India in the late 1780s. was another illegitimate son, no other explanation for the advance appearing in the relevant papers. (60).

Findlater and Grant Estates.

Sir Ludovick Grant of Grant provided a total of £12,000 sterling in Bonds of Provision to his daughters of his second marriage, apparently £2000 each since Margaret Grant seems to have died young. (61)

A daughter of Sir Ludovick Grant by his first marriage predeceased him in December 1748.

Marian, eldest daughter of Sir Ludovick Grant of the second marriage, was left a legacy of £300 by James, 5th Earl of Findlater, her maternal grandfather. This was lent to James Grant of Grant, her brother, on 7 November 1765 and paid up on 29 April 1781. (62) She died unmarried on 28 March 1807.

Table 5, continued.

Findlater and Grant Estates, continued.

Anna-Hope Grant, second daughter, married on 3 April 1781 Dr. Robert Darly Waddilove, Dean of Ripon. She presumably received, as did her younger sisters, a legacy of £150 from Lord Findlater.

Penuel Grant, third daughter, Married on 6 January 1776 Henry Mackenzie, author of the 'Man of Feeling'.

Mary Grant, fourth daughter, died unmarried. Her legacy of £150 was borrowed and paid up as with her eldest sister.

Helen Grant, fifth daughter, married on 9 September 1773 Alexander Penrose Cumming, heir to Honourable George Cumming of Altyre, his granduncle, her marriage-contract being signed the previous day. (63) Her husband later inherited the estates of Gordon of Gordounstoun and became Baronet of Altyre and Gordonstoun. Her portion was the £2000 Bond of Provision and the £150 from the 5th Earl of Findlater. She was to have a jointure of £230 and a payment of £300 for household furniture and mournings. Her jointure was, however, increased to £800 by her husband's Trust Disposition and Settlement of 1 November 1802. (64)

Margaret Grant, sixth daughter, was born in 1753 and appears to have died young.

Elizabeth Grant, seventh daughter, died unmarried on 27 March 1803.

By the marriage-contract of Sir James Grant of Grant he was bound to provide £5000 portion if there was only one younger child of the marriage, £10,000 if two or more. 6 children died without reaching adulthood and are not here considered.

By Bond of Provision on 15 December 1795 he provided £3000 to Anne Margaret Grant, his eldest daughter, with £2000 each to Jane Grant and Penuel Grant, while £2000 was said to have been paid on marriage on 10 June 1795 of Margaret Grant with Major (later Major-General) Francis Stuart of Lesmurdie.

In view of the expense of fitting them out respectively for India and the Army the provisions in this to James Thomas Grant, his second son, and Colonel Francis William Grant, his third son, were restricted to £1000 each. (65) James Thomas Grant died on 28 July 1804 before his father, unmarried, but leaving an illegitimate son for whom the family took responsibility and who became eventually a Captain in the 3rd Regiment of Buffs. (66) On 16 August 1808 Sir James Grant disposed to Francis William Grant, then the next heir to Lewis-Alexander Grant, the insane eldest son, Advie, Dalvey etc. (67).

Robert Henry Grant, the youngest son, also received provision of £2000 in the Bond. It was stipulated that half of the provision to any son dying minor or daughter dying unmarried was to return to the heir.

By a disposition of 4 November 1802 Sir James Grant provided Grant Lodge, Elgin, for a dower-house for Lady Grant (who predeceased him) and his unmarried daughters. (68).

Lewis-Alexander Grant, 5th Earl of Seafield, was unmarried.

Colonel Francis William Grant, 6th Earl of Seafield, had, before his death on 30 July 1853, provided to his surviving younger children (69):-

- i) The estate of Main and £5000 to Honourable James Grant of Grant, with £200 to Francis William Grant, his eldest son.
- ii). £10,000 to Honourable Lewis-Alexander Grant.
- iii). £10,000 to Honourable George Henry Essex Grant.
- iv). £12,000 to Lady Janes Grant, who married on 20 July 1843 Edward Walker, later a Major-General and knighted.

What conclusions are we to draw from these Tables? It may be suggested there is a close parallel with Tudor and early Stuart experience in England. The impact of the increasingly large provisions shown could only ultimately be destructive. Discussing Thomas Howard, 1st Earl of Suffolk, Professor Lawrence Stone has written:- (70)

"The question must now be asked how it was possible that a man so generously endowed with landed property, so lavishly rewarded by the Crown, so fortunate in inheriting property from relatives, and so morally unrestricted in the pursuit of corrupt gains could have contrived to run so heavily into debt. The short answer is that generalized extravagance was one of the hallmarks of one of the most opulent courts in Europe...But beyond this vague and unhelpful generalization two prime causes stand out: excessive building and excessive children."

In the Tudor and Stuart times, as Stone continues:- (71)

"Although a high birth-rate was common among the upper classes ...a high death-rate usually considerably reduced the number surviving into expensive adulthood."

By the end of his period in England "All families...were feeling the strain resulting from the growth in the size of portions which had to be offered if daughters were to be successfully married off." (72)

It will be seen both Grant and Gordon families had a number of children survive to adult life and remain unmarried or married below their social class, but even so the total burden was heavy. Assigning a present value to future annuities and capital payments due at or for uncertain periods in times of varying interest on borrowed money is a task involving considerable expertise but it is clear that, if the marriage-contracts did not bring the possibility of succession to land they would have been poor bargains for the landowner.

Assuming the rise in value of jointure lands was progressive during their tenure a conservative estimate for the Gordon Castle estates is that payments to widows or estranged wives of the Dukes of Gordon between 1750 and 1850 must have exceeded £160,000. Payments to children are difficult to calculate since the marriage-contracts missing are those for the daughters who married the major peers. The sum involved cannot well have fallen short of £120,000 and may well have been half as much again. If such sums were paid from rents they diminished the sums available for agricultural change; if paid from borrowing a considerable burden was placed on the estate. Interest at 4 per cent on these amounts would match a fifth of the maximum rental of the Gordon Castle Estates. On the Seafield Estates in 1853 interest on family provisions accounted for five per cent of the gross income and jointure to the Countess-Dowager for a further five per cent.⁽⁷³⁾ This is, however, only the tip of the iceberg. Obligations were frequently extinguished by the borrowing of money elsewhere and interest on borrowed money was a major expenditure on estates by the mid-nineteenth century. Annual rent on other debts claimed over half the produce of the Seafield Estates in 1853. For taxes, management, maintenance of the owner and his own family and improvements less than forty per cent of the income remained and this on an estate which had escaped lightly.⁽⁷⁴⁾

With declining morbidity among the English peerage in Tudor times Professor Stone found a growing tendency to marry outwith the peer-group. While marriages were within a restricted circle liabilities were being transferred within the same group and often minimised by reciprocal marriages. Frequently, moreover, such unions ultimately brought land sufficient to compensate burdens imposed by them. The widening horizons for marriage which opened to the Scottish aristocracy from 1603, and to a greatly enlarged degree from the mid-eighteenth century, led in many instances to liaisons where a greater immediate cash benefit was obtained but where greatly increased long-term obligations lay upon owners. The Grant and Gordon families were in line with others in increasingly looking outwith the Scottish nobility and major commoners from whence they had previously drawn their partners to alliances more widely spread. Of the 80 holders of Scots peerages in 1850 16 were unmarried. The remaining 64 had married 31 wives with 'Scottish' fathers and 48 with fathers of other domiciliary origin.⁽⁷⁵⁾ Increasingly their offspring, educated in England and with a high proportion of English relations, might be expected to drain the estates of finance.

Scottish aristocratic families and Socialist theoreticians have usually been at one in attributing decline in ownership of Scottish landed estates by the old-established families to fiscal exactions. Any suggestion that it was the widening interests of

the Scottish landed classes which sowed many of the seeds of their own decline since 1850 would probably meet with attack from both ends of the political spectrum. Yet there is much in Professor Stone's description of the linking of the 4th Earl of Salisbury with Francis Barnett as "the desperate expedient of marriage to a mercantile fortune."⁽⁷⁶⁾ Professor Smout has suggested "the Scottish landed class" was never "an oligarchy of birth."⁽⁷⁷⁾ While this has some truth it may be argued that only when it resembled such an oligarchy could it find stability: the aristocrats could immolate the fortunes of their descendants through short-term plutolatry.

Household.

When the Marquis of Huntly was interrogated about his personal and family expenses in 1840 he placed these at a minimum of £5000 per annum.⁽⁷⁸⁾ Such a figure may be thought scarcely credible, yet the detailed analysis of the Seafield Household accounts between 1811 and 1840⁽⁷⁹⁾ shows that sums in this region were frequently spent. There are considerable difficulties in comparison of such expenditure with that in earlier periods. Thus the bill for alcoholic beverages for the Dukes of Gordon and their entourage between 1747 and 1752 seems to have averaged £150 per annum,⁽⁸⁰⁾ The average expenditure in Crops 1810 to 1837 in the Seafield household was about £460, but about £120 per annum comprised expenditure for beer which servants had brewed for the Gordon household from custom victual.⁽⁸¹⁾ Just over £300 per annum was incurred in purchase of coals to replace the earlier use of peat. Dr. Horn's careful study has shown that in the early eighteenth

century the Scottish noble household already enjoyed a substantial and varied diet, though a large proportion was provided by resources on the estates. The considerable burden of household expenditure in the later eighteenth and early nineteenth centuries is to be attributed in large measure not to changes in diet or furnishing with increasing luxury, but to purchasing in of basic provisions which had earlier been obtained from the landowner's own estate or manufactured within the household, combined with substantial increase in wages of servants. Allied to the direct expenditure of the household was normally that of keeping a home farm, usually operating at a considerable loss. In Table 6 I have included only the major servants in the household and on the home farm. Clearly unless the number of such servants was drastically reduced during the period in question a greatly increased burden was being borne.

TABLE 6.
WAGES OF HOUSEHOLD AND HOME FARM SERVANTS, 1715-1815. (82)

<u>Position held</u>	<u>Estate and date</u>	<u>Salary</u>
Valet	Panmure, 1715	£5
	Gordon Castle 1728	£5 and suit clothes
	Same, 1741-1743.	£15
	Hopetoun, 1748	None employed.
	Seafield 1815	£63- also butler with an under-butler.
Butler	Panmure, 1715	£4
	Gordon Castle 1728	£5 and suit
	Same, 1738	£4
	Same, 1742	£5 and £3 for clothes
	Hopetoun 1748	£8
	Gordon Castle 1749	£7
	Same 1780	£30
	Seafield 1815	See Valet.
Housekeeper	Panmure 1715	£5
	Gordon Castle, 1730	
	to 1751	£10
	Hopetoun 1748	£3
	Gordon Castle 1780	£21
	Seafield 1815	£31:10s. per annum, but also seems to have been cook.

Table 6, continued.

Wages of Household and Home Farm Servants, 1715-1815, continued.

Position held	Estate and date	Salary
Governor, Tutor or Companion	Gordon Castle 1724	£10
	Same, 1725	£15
	Same, 1780	£30, Tutor to the Marquis of Huntly
	Seafield, 1815	£65:2s.(=£52 and a shilling per day).
Head Gardener ⁽⁸³⁾	Gordon Castle, 1727	£7
	Same, 1728	£8
	Same, 1729	£9
	Same, 1741, 1743	£7
	Same, 1780	£35. A nurseryman was also employed at 2/6d. per day during spring, summer, and autumn, about £39 per year.
	Seafield, 1815	£21 at Castle Grant and £30:2s. at Grant Lodge.
Coachman	Panmure, 1715	£6
	Gordon Castle, 1729 to 1731	£6 and suit liveries, shoes and stockings.
	Hopetoun, 1748	£5
	Gordon Castle 1780	£15:15s.
	Seafield, 1815	£20
Farm Overseer ⁽⁸⁴⁾	Gordon Castle, 1744 and 1747	£20
	Same, 1780	£50
	Seafield, Castle Grant, 1815	£42 and £23:8s. board.

Efforts at retrenchment were frequent, but usually unavailing.

On 9 September 1815 John Fraser, Cashier to Colonel Francis William

Grant, Lord Seafield's Curator, wrote that:-⁽⁸⁵⁾

"Colonel Grant having judged it might be the means of diminishing the shop and other Accounts for the Servants retained at Castle Grant during the absence of Lord Seafield and family if these Accounts of housekeeping which had formerly been incurred by the servants in his Lordship's name, should be disbursed by Mr. Fraser and kept separately from the accounts incurred while the family should be resident there, this arrangement was made by Mr. Fraser, and his disbursements on this Account from Martinmas 1813 amounted to £211:15:2½d."

Alas for the Colonel's reputation for frugality, the favourable

impression given by the Cashier is contradicted by the remarks of

George Macpherson-Grant to John, his son, in a letter of 20 August

1834:-⁽⁸⁶⁾

"Colonel Grant's fancy in keeping such a retinue of servants is quite absurd. Besides the 7 who were here 10 had made their appearance at Castle Grant and Mr Henderson says after all these left he had a goodly congregation of 12 of them at Cullen!! And all this to a man who sees no Company."

The general household expenditure must be reckoned total loss to the estate. That on the home farms may have stimulated agricultural improvements by precept and example. Many of the farm grieves or overseers were intelligent and well-educated men. Thomas Winter, brought to Monymusk by Sir Archibald Grant, is well-known. William Bell, similarly brought from England, became one of the factors for the Dukes of Gordon with responsibility for the payment of capital debts and was clearly influential, however, much the Duke's Agent may have attempted to belittle his role.⁽⁸⁷⁾ Most, however, of the overseers were native Scots though they might be acquainted with English practice. William Forbes, the overseer at Castle Grant, could draw up, when required, the simpler legal agreements, such as minute of contract for planting on 26 May 1764 with Thomas Smith, planter near Brodie,⁽⁸⁸⁾ who had himself some years earlier been the griever at Castle Grant. Forbes, on 26 November 1765, was said to have been "sent up during the winter to see the method of laying out Policy in England and the Northumberland and Norfolk farming."⁽⁸⁹⁾ He could produce plans, though in no sense a professional surveyor,⁽⁹⁰⁾ and in 1781 produced the scheme for bringing a water supply to the Castle at Ballindalloch.⁽⁹¹⁾ Lord Deskford appears

to have employed briefly John Home, the well-known land-surveyor. On 18 June 1765 £130 was paid to John Hume to account of buying cattle by James Ross, the Factor to Deskford, by then Earl of Findlater.⁽⁹²⁾ Several subsequent payments were made ending with one of 8th May 1766 "To John Hume to bear his Expences to Edinburgh per voucher containing a final Clearance with him £2."⁽⁹³⁾ He seems later to have confined himself to surveying and nursery gardening, in which he had been involved before he joined the Earl, but certainly made one further application for a post as an estate overseer since the Earl of Rosebery wrote to Findlater on 15 October 1770 enquiring as to his suitability.⁽⁹⁴⁾

Since most of the provisions granted on the Gordon Castle estates did not take effect until a later period, the much higher level of debt on that estate than on the Findlater estates about 1810, when each had been about the same level in 1770, must be attributable largely to household expenditure at Gordon Castle and in London, whereas the Earl of Findlater lived mainly abroad.⁽⁹⁵⁾ The position was well understood by influential contemporaries. On 31st January 1775 John Mackenzie of Delvine, the prominent Edinburgh Writer to the Signet, wrote to the Duke of Athole that he should spend some time in a provincial French town away from the court and compatriots. The Perthshire establishments could best be cut down in the Duke's absence with least friction, since retrenchment would be resented by those who had taken advantage of the late

Duke's lavish hospitality and generosity. Mackenzie was to act as general cashier on the estate and carry through the retrenchment with his accounts audited by a commission of Lord Cathcart, Colonel James Murray and the Laird of Invercauld.⁽⁹⁶⁾

The project seems to have been abortive, but throws considerable light on the difficulty in containing household expenditure and on the despairing efforts made to control it.

Building-Mansion House and Policies.

The Royal Commission on Ancient Monuments and Historic Buildings have not, hitherto, surveyed any of the North-Eastern counties of Scotland. The gap has, in large measure, been made good by James Macaulay's massive study The Gothic Revival, 1745-1845, published in 1975. It is clear that very considerable sums were spent both on houses and policies during the century studied.

Some of the statements made as to cost of houses may require to be treated with suspicion. Novar House, built by Sir Hector Munro who held estates in Ross and Moray, was said to have cost £120,000.⁽⁹⁷⁾ Duff House, uncompleted at the death of the 1st Earl of Fife in 1763, was said by his brother-in-law, William Baird of

Auchmedden, to have cost £70,000.⁽⁹⁸⁾ Baird said of the Earl:-⁽⁹⁹⁾

"He expended vast sums of money in building. He built the new house of Balvenie in 1724-25, and resided there for a time. In 1730 he began to build Duff House, but, owing to a dispute with [William] Adam the architect, which engaged him for many years, he never occupied the house, and when obliged to drive past it on his way to Banff, always drew down the blinds of his coach."

Alexander Burnett, who had been sheriff-depute of Kincardine,

in 1806 succeeded to the estates of Sir Alexander Ramsay of Balmain, took the surname Ramsay, and was himself created a baronet. The mansion-house which he built at Fasque was said to have cost £30,000.⁽¹⁰⁰⁾

Such figures must be compared with known building costs.

Gordon Castle was virtually rebuilt under the 4th Duke of Gordon. The total expenditure between 29 December 1769 and 6 January 1779 was £32,520:0:6d., and, since the General Cashier's accounts for 1780-81 contain no payments on this head it may be presumed work had finished.⁽¹⁰¹⁾ The abstract account from 1802 to 1809 for building for the Earl of Moray at Darnaway amounts to £14,691:18:3d.⁽¹⁰²⁾ Gordon Castle was later extensively damaged by fire and on 25 November 1828 a report was read to a committee of Trustees of Alexander, Duke of Gordon, from Archibald Simpson, architect in Aberdeen, that £10,929:19:2d. would require to be spent on the house and outbuildings, which was authorised.⁽¹⁰³⁾

A large number of schemes were abortive. The marriage-contract of Alexander Penrose-Cumming of Altyre of 8 September 1773 carried a stipulation by his granduncle, George Cumming of Altyre, that within ten years of succeeding to the estate he would build a new house at Whitehill in place of that existing at Altyre, on a plan to be decided by George Cumming.⁽¹⁰⁴⁾

On 7 January 1788 James Playfair, architect, wrote with his proposals as to Cullen House:-⁽¹⁰⁵⁾

1st proposal- to erect and complete the new buildings, to roof and finish the present house in a good and workmanlike manner will cost about £8000 according to plans delivered and to alter the bridge and complete its abutments according to the Plan delivered £1025.

2nd proposal- to build a new house, preserving the kitchen offices and obtaining equal space and accommodation will cost about £13,000 and to alter the bridge so as to form a handsome approach £500.

3rd proposal- to build a complete new house on a different situation with all servants offices and principal stabling £20,000.

Despite the interest of Lord Findlater in architecture- he was author of a large-scale anonymous work on architecture while on his German exile and, in response to a letter of 21 April 1780 lent £2000 to James and Robert Adam at 5 per cent interest which remained outstanding until 1805-6- this project remained abortive.⁽¹⁰⁶⁾ Similarly a project for a town house in London, which the brothers designed for Findlater, building of which was to commence in the spring of 1789 was abandoned when a promised British peerage Findlater hoped for was refused.⁽¹⁰⁷⁾ This, in a letter of 6 January 1791, Findlater described to Sir James Grant as "a sad example of the faith of ministerial promises, and of the infernal machinations of that Bitch the Duchess of Gordon."⁽¹⁰⁸⁾ As before noted, the Earl abandoned Britain and spent the remainder of his life until 1811 on the Continent.

William Henry Playfair, son of the foresaid James Playfair, was consulted in 1831 by the Macpherson-Grant family as to Ballindalloch. On 27 April George Macpherson-Grant wrote to his heir, John:-⁽¹⁰⁹⁾

"Playfair is at work on a very handsome and commodious plan, but I fear embracing too much accommodation and too much expense for our funds at present. But it is well to have the plan and it may be proceeded in gradually or not at all as we see fit."

When the plans were produced, he again wrote on 1 December 1832:⁽¹¹⁰⁾

"Your mother is very averse to any New Building. I believe you are not very anxious about it, and I am not over fond of the fash of such an undertaking so that I do not think it promises to be speedily commenced, particularly as should you prefer coming to settle at home an Expenditure will be required at Invereshie to render it a residence for you should you desire it."

Shortly before abandoning plans for extending Ballindalloch, on 17 November 1832, George Macpherson-Grant had reported to his son:-⁽¹¹¹⁾

"In stepping into the Mail at Elgin to go to Inverness I found Playfair seated in it on his way to Dunphail. He is to be at Castle Grant on Monday and proposed coming here from thence. He says Castle Grant is the ugliest thing he ever saw. I don't know how he can mend it without an enormous expense and cui bono? for it will never be inhabited under the existing Regime."

On 1st December, in the letter above quoted, he continued:-

"Major Cumming Bruce was with Playfair at Castle Grant. It is evident the Cummings are pushing the Colonel [Francis William Grant] to lay out money there. Playfair was to give the Colonel his ideas which if it is to [be] made a residence will involve as I suppose a heavy outlay and if it is to be merely a shooting quarter should be confined to the old tower and rendering the interior comfortable. The Factor is furious and says the Colonel should lay out no more than £500 or £1000 and that it would be better for them to pay off their debts."

On 20 August 1834 George Macpherson-Grant concluded this subject:- (112)

"I think Mrs. Grant has a desire to involve the Colonel in building at Castle Grant which would be madness. Mr Playfair's plan is to the tune of £15,000 and with fair allowance for extras and furniture, he would not get out of the hobble under £25,000 and yet Cumming Bruce encourages him in such a folly. I think however he will have resolution to follow better counsel. She pretends that the air of Cullen does not agree with her! and knows that by coughing and panting she carries her point. I believe her real feeling is that she dislikes her children seeing Lord Seafield [the insane owner]."

If Playfair's designs for the living members of the Grant clan were cast aside on the grounds of expense, he had at least the consolation of designing in 1837 the mausoleum erected at considerable expense for their dead, and the Cumming-Bruce family added example to precept by having him erect Dunphail House. (113).

Closely allied with this expenditure on the mansion house was spending on the surrounding policy. This was no novelty in Scotland in 1750. When Alexander McGill, the Edinburgh architect and partner of James Smith was working on Inveraray in 1720-1722 the policy was considerably extended. (114) William Adam, the architect, was well regarded for his laying out of policy, while William Boutcher, a nursery gardener who operated in the 1720s and early 1730s seems to have derived from this a large

proportion of his income. When, on 26 April 1756 proof was taken in valuation of teinds of the lands belonging to Alexander Fraser of Strichen William Robertson in Blackmoss, a tenant, deponed the landlord shortly after 1730 or 1731 took various surrounding lands: "into his possession and management and has continued with Servants and others working upon them ever since by lyming, enclosing, draining and otherwise. Deponed he did not know how much rent the said Mains and Enclosures of Strichen would now sett at to Tennants if the pursuer was enclining to let them out. But that he is sure considering the great expence and money which the deponent has seen must have cost the pursuer and which he is still going on laying out that any rent they would yield would be far short of reimbursing him especially considering that a great deal of the ground and that of the best of it is planted and full of Trees and converted into Garden Ground and Nursery."

Another tenant, Robert Milne at Miln of Tyrie concurred:-(115)
"Deponed that he did not know what the rent of the Mains was before the pursuer took it into his own hand and management or what it might set at at present to Tennants but concurred and agreed... that any additional rent might be got for it wont near answer the money and expence the pursuer has and is continuing to lay out annually in enclosing and improving the ground which the deponent knows is done at a vast yearly Charge and outlay of money and besides there is above 100 acres of the ground and some of these of the finest soil now in planting and Garden Ground..."

Thomas Winter, already referred to (p.157) drew up a plan for a new garden for Sir Ludovick Grant of Grant at Castle Grant and

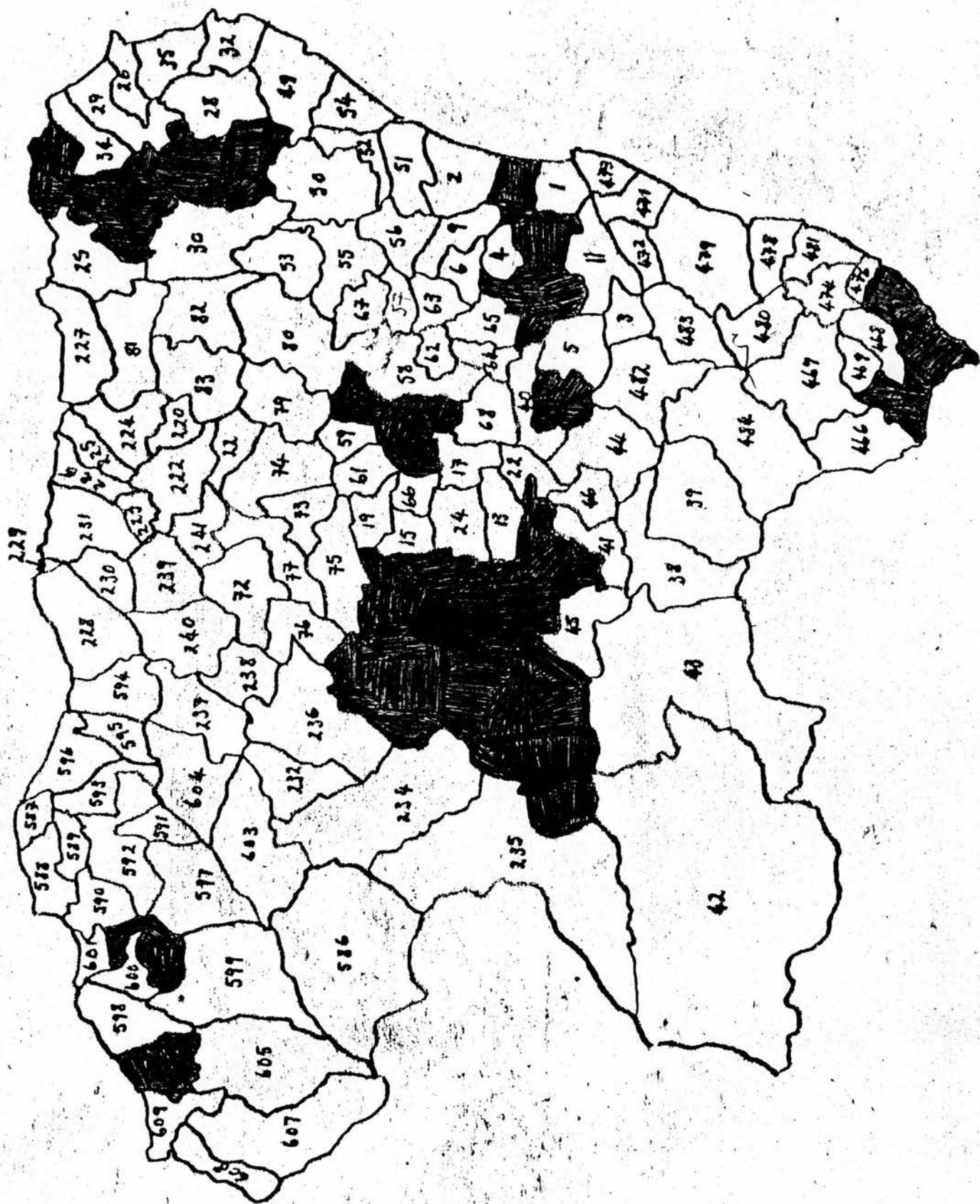
reported on 12 May 1748 that:-(116)
"The Gardners in winter time had solde and cutt down all the old plains and trenched a good deal of the worst of the Grownd, which was very bad to do, by reason itt is incomparably stonie, and I believe will double the charge of making the garden as if itt were free of these stones. But att the same time it is absolutely the best spot about all Castlegrant for a Garden that I can see, it lying warm, well exposed to the sun, and in the freest air."

The enthusiasm for policy did, however, increase in the later eighteenth century. A few landscape gardeners obtained wide-ranging employment with little notice generally taken of their activities. I have given in Appendix 23 details of the employment at Castle Grant of Robert Robinson, who worked for Grant of Monymusk, Sir Thomas Burnett at Crathes and for James Grant of Grant, while at Cullen Thomas White, from Nottingham-

was employed. I have provided details of his known Scottish employment, but since his base of operations continued to be in England he had presumably considerable work there as well.⁽¹¹⁷⁾ By the mid-nineteenth century this employment of specialists for design of policy seems to have declined. Humphrey Repton, like Robert Robinson and Thomas White a pupil of Lancelot Brown, published extensively on the theory of laying out grounds, as did in turn John Claudius Loudon, who edited many of Repton's works.⁽¹¹⁸⁾ When, therefore, Queen Victoria had the policies of Balmoral laid out the task was undertaken by James Forbes Beattie, an Aberdeen land-surveyor, though he may have had the assistance of James Giles, the artist, who certainly advised on the laying out of the grounds surrounding the Earl of Aberdeen's house at Haddo when these were extended in the 1830s and 1840s.⁽¹¹⁹⁾ The cost of such policies is impossible to determine. In many instances it is unclear when expenditure was being incurred whether it was for general plantation of barren land on the estate or for destruction of useful arable for extended privacy for the landowner. Any visitor, however, may see extensive areas enclosed by walls certainly much in excess of what could have been required for containment of stock and there can be little doubt the process was expensive both in terms of expenditure actually undertaken and of land not used to its best value.

Agricultural Improvement and Estate Investment.

I have suggested that a large part of the expenditure on agricultural improvement was undertaken by the tenants without any encouragement from the landowners (pp.84-88), though they did play a role in the introduction of new technology. Much of this occurred, however, despite common belief, before 1750. I have examined most of the teind records from that period, the



parishes shaded on the map on Page 165 being those within the counties of Kincardine, Aberdeen, Banff, Moray and Nairn to which the evidence relates (the numbers shown being the modern reference numbers for these parishes for agricultural census purposes). To reproduce the mass of evidence that these give that improvement did not, at that period, exclude the smallest gentry, as alleged by Smout, would require considerable space.⁽¹²⁰⁾ I have accordingly confined myself to reproducing in full the evidence brought in a valuation of teinds concerning not the fertile part of the county of Aberdeen but the difficult upland part of the county in parishes where the Old Statistical Account suggested that little improvement had taken place until shortly before the reports were written.⁽¹²¹⁾

The expenditure on direct agricultural improvement which did take place may be divided into (i) payments for farm buildings and inclosure of lands (ii) drainage of lochs, embankment of rivers and drainage of lands (iii) allowances for breaking in lands or for liming, and (iv) premiums to agricultural societies.

Some farm buildings were erected by the landowners and practice varied from estate to estate. John Milne told his story:⁽¹²²⁾

"I was told when I renewed my lease that five roods of mason work was all the building the proprietor would pay for- half the cost when finished and the other half at removal; I could build whatever else I liked, but I was made to understand I would not be paid for it. I built one half of a barn; the other half still stands in the condition in which it was when built in the last century. Even then it had been roofed with old wood. This roof is a good museum in its way, containing as it does pieces of rafters from an older roof, along with pieces of farm implements of a hundred years ago, contrasting strangely with the steam engine and other agricultural machinery of the present day only a few feet distant, under slate and iron roofs. As the byres built during the prior lease could not contain the cattle kept on the enlarged holding, I put up wooden houses to hold the extra stock. As I did not wish to have large sums lying out on farm houses, I erected a wooden house and roofed it with peats, for carts and implements. The dwelling-house is as old as the barn, part of the

walls being turf. I believe it is one of the oldest dwelling-houses in the estate...It cannot be said that extravagance in houses has ruined the Buchan farmers."

On 1st December 1874 William Gillespie Bryson, who had come in December 1849 to be factor on the Earl of Seafield's Strathspey estate and transferred in 1854 to be General Cashier at Cullen

wrote:- (123)

"With regard to improvements on the Estates generally there is no reason for asserting that there was unnecessary or extravagant expenditure under the Trust [i.e. while his brother acted as Tutor for the 5th Earl of Seafield from 1811 to 1840]- quite the reverse- for the Estate could not possibly have been managed with a keener eye to economy. The writer can state from experience of the Estates of Strathspey and Cullen that prior to the succession of the present Earl [in 1853] little or no money had been expended in improving or embellishing the estate. All the steadings in the Cullen district with the exception of two were in a ruinous state and no money had been laid out in drainage. In fact it is difficult to imagine an estate handed over from father to son in a more miserable condition or one on which so little had been done to keep up things in a proper state. The Strathspey estate was much in the same condition. The Tenants have built Houses and Steadings at their own expences for which they have a claim for 2 years rents...."

Yet of that estate, so roundly condemned by a Factor, the minister

of Boharm wrote in the New Statistical Account:- (124)

"Patrick Steuart, Esq. of Auchlunkart commenced a very spirited course as an improver soon after his succession to the estate in 1800, and has since persevered with most praiseworthy energy and most profitable success. A considerable deal has also been done on the Seafield property, and much is in immediate contemplation."

Some building was done by the Seafield Estates. In 1846 the farmhouse

of Ballimore was rebuilt at a total cost of £494:15s., comprising

£240 for the mason, slater and plumber work, £219 for the

carpenter, painter and glazier work, and £35:15s. for the

plasterwork. (125) Almost all was, however, undertaken by tenants

and repaid at valuation at expiry of their leases. In six crops

from 1815 the only payment made for a farm-house at the time

of construction was that of Auchterblair, erected after the former house was destroyed by fire in Crop 1819, when £200 was paid.⁽¹²⁶⁾ It is thus almost impossible to establish from estate records when buildings were constructed. Increased expenditure on meliorations is frequently an indication that economic difficulties were causing tenants to give up their leases, not that work was being undertaken.

Only with the succession of the 7th Earl of Seafield in 1853 did extensive construction of farm-houses and offices begin, the Commissioner he appointed being the Honourable Thomas Charles Bruce, who had attended the meeting on 10 January 1854 which launched the Association for Promoting Improvement in the Dwellings and Domestic Conditions of Agricultural Labourers in Scotland, largely the brainchild of Rev. Harry Stuart, minister of Oathlaw.

Much the same pattern was true of the Gordon Castle estates where it was not until the tenure by the Duke of Richmond and Lennox between 1836 and 1860 that extensive building of farm-houses and steadings was undertaken. Joseph Mitchell describes accurately the general picture:-⁽¹²⁷⁾

"For nearly one hundred years while the estates were possessed by the two last Dukes of Gordon no great improvements had been made. The tenants lived at easy rates and in rough comfort...When his Grace [Charles, 5th Duke of Richmond] entered into possession, he found many parts of these estates in a very neglected condition. He secured at once the services of an eminent agriculturist, Mr. Thomas Balmer, whom he appointed his commissioner and by whose advice and under whose direction he re-arranged the whole properties. New houses and steadings were built, drains and fences were made, extensive plantations formed, and everything put in complete agricultural order."

Enclosures also were almost exclusively the work of the tenants. Almost invariably if the landowner undertook enclosure it was for the purpose of protecting plantations and not primarily to aid tenants. Even the march-dykes between farms were commonly the tenants' obligations, not constructed by the landowner. While the amounts expended on these by the estates seem to be rising in the nineteenth century when compared with the 1760s, it is probable that in many cases this reflects only rise in rental of the farms where the amount to be paid as compensation was limited to a certain number of years rent.

On major drainage the expenditure by the landowners was, however, considerable. H.L. Brereton has given an adequate account of the drainage of the Loch of Spynie.⁽¹²⁸⁾ In 1790 the lowering of Loch Insh in Strathspey was undertaken with Provost George Brown as engineer.⁽¹²⁹⁾ But such operations were not new. It was in the late 17th century that Thomas, the eldest son of Sir Alexander Burnett, 3rd Baronet of Leys, was killed by a splinter of rock in blasting operations by his father to drain the Loch of Leys.⁽¹³⁰⁾ Affording much greater scope, and generally more successful, was the drainage of mosses. This was fairly extensively practised on the Seafield estates. In 1817 on the Cullen portion £557:18:6d. was paid Ewen Mackay for drainage of the Moss of Cullen.⁽¹³¹⁾ In 1819 £427:2:3d. was paid John Gaudie and others for casting a Ditch in Rannas.⁽¹³²⁾ On the Strathspey portion on 26 January 1816 a balance was paid of an account for £414:15:3d. for improving Polchar Moss near Castle Grant,⁽¹³³⁾ while in Urquhart on 7 May 1818 a clearance was made of accounts for expenditure totalling £649:19s. on trenching and clearing stones from the Moor of Lewistown, various advances having been made since 20 February 1812.⁽¹³⁴⁾

The expenses of work on rivers was also considerable. On 2 June 1816 payment was made of balance of an account for £456:9s. "for making a New Channell for the River Nethy from Lyngarrie to Lettoch to answer the double purpose of preserving the lands of Clachaig from the inundations of the river and of facilitating the floating of Timber to the Spey."⁽¹³⁵⁾ When the River Coilty in Urquhart burst its banks in 1818 a bill of £461:2:7d. was incurred for workmen⁽¹³⁶⁾ and a large number of smaller payments were continually being made.

Only with Peel's Drainage Act did the landowners become heavily committed to drainage of existing arable land. Details of claims from the counties of North-Eastern Scotland to the Inclosure Commissioners are given in Table 7:-⁽¹³⁷⁾

TABLE 7. Claims to Inclosure Commissioners to 5 March 1847.

<u>County</u>	<u>Covering dates</u>	<u>Claim</u>
Aberdeen	4 Jan.-5 March 1847	£186,666
Banff	6 Nov.1846-2 March 1847	£71,021:10s.
Kincardine	31 Dec.1846-5 March 1847	£29,055
Moray and Nairn	4 Nov.1846-4 March 1847	£9500
For sundry counties including lands in those above	23 Dec.1846-5 March 1847	£91,880
Total		£388,122:10s.

It is known that some of the intended expenditure was not undertaken, but sufficient was spent under the Act to be of major value.

Allowances on the Seafield estates under Colonel Grant for the breaking in of new land have been referred to (P.87), while it has been noted that tenure rent-free or at a nominal rent was more common than the landowner paying the expense of improvement.⁽¹³⁸⁾ Some help does appear, however, to have been widely given with liming, occasionally providing the tenant with lime without

charge, but more commonly building kilns for limers who were to supply the estates without distant travel and providing services of tenants to take peats to fire the limekilns.⁽¹³⁹⁾ Costs to the estates of thus encouraging the use of lime were generally small, particularly when compared with such classes of expenditure as payment of interest, building and family provisions.

The cost to the landowners of premiums to agricultural societies was also fairly small. A few enthusiastic landowners began with their own schemes, such as James Grant of Grant, who offered in 1766 prizes for linen manufacture, growth of turnips, potatoes, and rye grass, inclosing, and stock breeding.⁽¹⁴⁰⁾ Later owners escaped with moderate donations to farming clubs where the tenants provided the principal part of the finance by subscriptions. The landowner, however, frequently provided use of part of the policy without charge for annual or bi-annual "Shows", still a part of the agricultural scene. Relevant to the whole of Scotland was the Highland and Agricultural Society, the first Secretary being son to a minor Aberdeen-shire laird and estate factor.⁽¹⁴¹⁾

Long-standing local clubs were the Moray-shire Farmers Club, formed in 1798, Garioch Farmers Club, established in 1808, Strathspey Agricultural Society, founded in 1812, Banff-shire Farmer Club, inaugurated in 1821, while 1829 saw the formation of the Buchan Agricultural Society and Formartine Agricultural Association, 1831 that of the Vale of Alford Agricultural Association and 1843 and 1844 the Royal Northern Agricultural Society, the Upper Deeside and Upper Donside Agricultural Associations and the Ythanside Farmer Club. The importance of agricultural clubs, some principally concerned with shows and demonstrations, others dining clubs concerned with the diffusion of new ideas is even yet not fully

appreciated. While a high proportion of the membership of the Society of Improvers, whose Select Transactions were edited in 1743, consisted of Edinburgh lawyers it is little appreciated that their influence, to be considered in Chapter 7, extended far beyond their own limited properties.

Expenditure with a peripheral, but immensely significant, relevance to agricultural improvement on the estates is discussed in the succeeding section on roads and public enterprises. The other main area of direct investment in the estates was in plantation.

Unfortunately it is again impossible to provide a full account. On many of the estates 'gardeners' were more properly nurserymen and it is therefore clear that purchases in of plants represent only a small proportion of what was planted. It is, however, clear that from the mid-eighteenth century extensive operations were carried out.

On Deeside an undated plan for planting for Farquharson of Invercauld, seemingly by William Anderson who became resident land surveyor to the Duke of Gordon, apparently accompanies a scroll reference of September 1753, just as evidence of manufacturing becoming significant begins.⁽¹⁴²⁾ At Brodie an agreement is said to have been made in 1751 with one Thomas Smith to plant with firs 100 acres of barren heath at £1 per acre. This agreement was used as the basis for a contract which, in terms of an order from Alexander, Duke of Gordon, of 3 August 1758, his curators made on 21 September 1758 for planting 100 acres near Gordon Castle, his discharge for payment being dated 18 December 1762.⁽¹⁴³⁾ From other sources, including Peter May and James May, his elder brother, there were additionally purchased 1,539,000 fir plants, in

Crops 1761 and 1762, sufficient at 3 foot distance, which then appears to have been common, to plant 220 Scots acres.⁽¹⁴⁴⁾

On the Castle Grant estates planting had begun before 1750.

On 12 May 1748 Thomas Winter wrote to Sir Ludovick Grant of Grant that he:-⁽¹⁴⁵⁾

"went to Castle Grant the first last month to see what was done in the Planting and found a good part of Jackson's park planted, mostly with Firrs and Beaches, which park I caused plant out while I was there, all but some very boggie places that I think are fitt for nothing except allars or poplar, and we had few or none."

He noted:-

"your plantations are much destroyed by Cattle, Sheep etc. after being planted out. I understand that there has been near 100,000 firs planted in Dunan Braie and I dont believe that unDestroyed and Eaten there is left 4000...I wish there could be some method taken to prevent such damages for the future or it tends to no use but loss to plant."

To discover culprits was difficult, and, even where they were found, the proprietor was often powerless. On 17 December 1748 John Grant, the Factor, wrote to Sir Ludovick "about a piece of villanie that Sandey Fraser, millar at Miln of Castle Grant, and his neighbours is guilty of." They were breaking the walls of enclosures and pasturing their horses by night, bringing them out before daylight. Though it was intended "to gett them secured and send them to Inverness..." no action could be taken as if Fraser were arrested "the sucken had noe body to Grind there Corn."⁽¹⁴⁶⁾

Thomas Smith also operated at Castle Grant. His Minute of Agreement of 26 May 1764 (p.157) was followed up by a more formal contract of 10 May 1765⁽¹⁴⁷⁾ narrating that Smith had enclosed with "ane Earth Fence Six feet high the Hill lying North West of Castle Grant, called Cairn Luich, measuring within said Fence One hundred and Sixty Seven Acres Scots Measure" and had planted part thereof with fir. He now bound himself to plant the remainder at 3 foot to 4 foot apart before 1 April 1766 and "to employ a man for keeping

and herding the said Park and Planting and Fences thereof, from sheep, goat and all kind of cattle" till 20 June 1771, when he was to "leave the Fences round said park sufficient and fencible, and the whole Wood thriving and the trees at most at the distance of four feet from each other." Grant was to pay on completion of the planting the balance of 15/- per Scots acre, and yearly at Whitsunday an allowance of £2 for herding.⁽¹⁴⁷⁾ The measurement of the area planted was by William Tennoch, an Edinburgh surveyor, acting as an assistant to Robert Robinson, the landscape gardener.⁽¹⁴⁸⁾

Planting was, indeed, a stipulated condition in the marriage-contract of one laird. George Cumming of Altyre, his grand-uncle, in 1773 took Alexander Penrose Cumming and his heirs bound:-⁽¹⁴⁹⁾

"To Inclose Twelve Acres of Barren Ground which is incapable of any other Improvement Beginning with that which is nearest to and most in view of the Mansion House and to Plant the same with Firrs or Timber suitable to the Soil ay and while they Inclose the number of One thousand Scots acres."

On 29 September 1792 the Aberdeen Journal carried intimation that Provost George Brown had taken on his own account the nursery formerly kept at Linkwood, near Elgin, by the Earl of Findlater. A large sale was obtained⁽¹⁵⁰⁾ and an annual output of about 1 million fir plants, sufficient for about 200 Scots acres, from this nursery, only one of several operated privately in North-Eastern Scotland, seems to have been kept up. Brown's ability to operate successfully as a nurseryman no doubt owed much to his training with his uncle, Peter May, whose attempts to mislead the Annexed Estates Commissioners as to Thomas Smith's contracts seem at odds with his general reputation for probity.⁽¹⁵¹⁾

Most extensive of such undertakings seem to have been those by James Duff, 2nd Earl Fife, who had, it was claimed,⁽¹⁵²⁾ by his death in 1809, planted "fourteen thousand acres of barren ground."

The legacies of £50, with annuity of £10, which he made to his planter, John Geddes, seem to have been hard earned.⁽¹⁵³⁾ If none matched this, the 6th Earl of Seafield, who had planted 8223 acres by 1847, was, nevertheless, credited with being the largest planter of trees in nineteenth-century Britain,⁽¹⁵⁴⁾ and, though Sir Archibald Grant of Monymusk claimed to have planted over 35 million trees "more than any two in Brittan and Ireland have done"⁽¹⁵⁵⁾ only John, 3rd Duke of Atholl seems to have planted a larger area.

With extensive new woodlands on the estates of the Earls of Aberdeen and Moray and of the Campbell of Cawdor family, the suggestion that the area suffered a considerable loss in timber-growing capacity during the period 1750 to 1850, made by Professor M.L. Anderson, must be treated as suspect.

Roads and public enterprises.

The principal classes of expenditure may be stated as turnpike roads, harbours, planned villages, and prisons, town-houses and inns.

On 25th May 1801 the Earl of Findlater wrote to John Wislon at Cullen House, his Factor, that "It seems ridiculous to think of turnpikes in our remote corner."⁽¹⁵⁶⁾ Despite, however, his scepticism, turnpike roads sprang up all over North-eastern Scotland. Often the estate clerks acted as the clerks to the Turnpike Trusts, as did, for instance, William Anderson, Alexander Stables and Alexander Fraser, Seafield estate clerks, who acted for the Cullen to Portsoy turnpike. Most of the records relating to turnpikes passed to the custody of the County Councils which later took responsibility for the roads, but a few are still among the family muniments.⁽¹⁵⁷⁾ Statute labour or commutation roads were also extended, while some of the more remote areas benefitted from

military or parliamentary roads. Table 8 gives the mileage involved in 1858 with the debt, almost all incurred to local landowners, outstanding on these:- (158)

TABLE 8.

<u>County</u>	Turnpike roads (distance to nearest mile)	Statute labour or Commutation roads	Military or Parliamentary roads	Debt (Turnpike and Commutation roads)
Aberdeen	436	1837	14	£379,465:12:3d.
Banff	145	516	5	£217,675:3:4d.
Moray-shire	88	360	36	£52,225:5:8d.
Inverness	12	614	532	£10,956:14:8d.
Kincardine	103	397	---	£40,614:11:7d.
Nairn	22	127	---	£1525:0:6d.

Ancillary to these were, of course, bridges. The common pattern was for subscriptions to be taken from neighbouring landowners, followed by a contractor erecting the bridge, sometimes at a fixed price, sometimes on a labour and materials basis. On the larger bridges toll-houses were usually erected and an attempt made to recoup the expenses incurred. Subscriptions from public sources were commonly sought, from the local Commissioners of Supply, the Commissioners for the Annexed Estates, and the Treasury. Many of the bridges were built by masons who seem to have made this a speciality. Although John Scott undertook other work, his labours on bridges outstripped his other employment. Originally, apparently, connected with the construction of the military roads he appears to have been put in touch with the Grant of Grant family through Major William Caulfield, Lieutenant-Governor of Fort George.⁽¹⁵⁹⁾ Through this introduction he was responsible in 1765 for the bridge over the Spey at Grantown, while he built about the same time the bridge at Dulsie over the River Findhorn.⁽¹⁶⁰⁾ In 1770 he built a bridge in Urquhart for the Grant family and also estimated for the Kirk in Urquhart and for a factor's house at Polmailly in Urquhart.⁽¹⁶¹⁾ On the Gordon Castle estate his work included in 1774 the rebuilding and repair of the manse and offices of Kirkmichael.⁽¹⁶²⁾ Another house built by him was that of Invereshie for the Macpherson family, while his **work** elsewhere included Banff Bridge.⁽¹⁶³⁾

Involved in bridge-building and also in harbours was George Burn, on whom I have collected notes in an Appendix.⁽¹⁶⁴⁾ As the evidence to the Royal Commission on Tidal Harbours in 1847⁽¹⁶⁵⁾ makes clear a pattern of steadily escalating projects, both in

capacity and expense was undertaken. They note almost all the engineers of consequence employed to advise on building and extension of harbours, but a few escape mention. On 2 June 1752 the Aberdeen Magistrates had William Etheridge, the surveyor for Ramsgate Harbour, report on that of Aberdeen,⁽¹⁶⁶⁾ and on 30 December 1752 discussed consultation with William Vincent, engineer for Scarborough Harbour and for improvements to Sunderland Harbour.⁽¹⁶⁷⁾ It is clear that the success of some of the new harbours established fell far short of expectation. A number of engineering errors were made with the harbours silting up rapidly and other examples occurred of inadequate protection being given. Typical of the problems was the case of Port Gordon, which the Rev. John Anderson was authorised by the Trustees of Alexander, Duke of Gordon, to keep in repair; he had reported:-

"The harbour and Fishing village of Port Gordon are in... danger from the Sea, and if breaches are not repaired immediately as they happen the whole may be swept away and rendered completely useless in six months time. As a temporary erection this was an ill advised measure from first, and has been attended with an enormous expence far beyond its worth. But having been preserved for so many years, and being of great use to an extensive district of the country the Trustees perhaps will not think it adviseable to abandon it at the commencement, particularly as there is some value of houses in the place belonging to the estate." (168)

There were, however, many of the harbours which flourished, particularly after the successful introduction of steam navigation. By the end of our period this was well established for passenger transport and for foreign cargo, but had made little impact, if any, on fishing.

With many of the harbours planned villages were associated. The village of Down or Macduff was first advertised in the Aberdeen Journal of 17 August 1761 when it was stated that John Hume, gardener in Banff, later the surveyor, would show the plan of the feus and the marches on the ground. On 12 February 1763 the owner

advertised in the Caledonian Mercury that he had improved the harbour at the Bay of Down near the mouth of the River Deveron and intended to feu out the village, while a further notice in the Caledonian Mercury of 10 August 1763 proclaimed that a safe and convenient harbour had now been constructed and sought for manufacturers to settle.

It is impossible to discuss at length these planned villages. The most influential was New Keith, founded by the Earl of Findlater. On 10 September 1755 the Town attracted the attention of the Magistrates of Aberdeen⁽¹⁶⁹⁾ who had been active in feuing out both office-bearers' lands and lands such as Elsie and Muchalls which they had purchased.⁽¹⁷⁰⁾ On 8 September 1762 a copy of a minute of a feu-charter granted on 21 December 1761 by the Earl of Findlater to Donald Grant, coppersmith in Keith, was sent to William Lorimer, adviser to James Grant, younger of Grant, for information when planning what became the new Town of Grantown,⁽¹⁷¹⁾ while on 20 June 1768 the Annexed Estates Commissioners instructed James Morison, one of their clerks, to write to James Ross, Cashier to the Earl of Findlater, for a copy of one of Findlater's Keith feu-charters as a basis on which to model those for the Annexed Estates. On 5 December 1768 John Swinton of Swinton reported to a Committee of the Commissioners that these feu-charters had answered well in the village of Keith and would be an "excellent model" for those to be granted by the Commissioners, particularly in Crieff.⁽¹⁷²⁾

Many of the villages were founded on the basis of hopes of a successful linen manufacture. Hugh McVeigh was settled in Huntly at least as early as 1738⁽¹⁷³⁾ and by 1743 was exporting cloth to Maryland,⁽¹⁷⁴⁾ while he also operated as a farmer in addition to

his manufacture and merchandizing.⁽¹⁷⁵⁾ Mungo Rannie came to Cullen about 1748. He was associated with Alexander Grant in Tochieneal, Factor to the Earl of Findlater, and in 1753 £100 was lent them by the Earl.⁽¹⁷⁶⁾ One of his earliest apprentices was Duncan Grant, son of the tacksman of Mullochard on the Grant estates in Strathspey. With Alexander Shaw, formerly linen stampmaster at Elgin who was appointed in 1754 principal undertaker at the Board of Trustees station of Glenmoriston, Grant, who had settled at Forres, was active in trying to promote the manufacture of linen in Strathspey, Badenoch, Braemoray and Lochaber. The ill-success of the Trustees' stations at Glenmoriston, Lochbroom and Lochcarron made them rightly doubtful of the validity of the linen industry in the more remote parts of Scotland. When this source of funds failed Grant and Shaw tried, without much success, to obtain assistance from a legacy by Seymour Wood to the Society in Scotland for the Propagation of Christian Knowledge for education of young persons in the Highlands,⁽¹⁷⁷⁾ but had more success with the Annexed Estates Commissioners, who granted Duncan Grant £300 to promote linen manufacture in the areas where he had formerly operated under the Trustees.⁽¹⁷⁸⁾ On 6 February 1765 James Grant of Grant signed a bond of credit for £300 in favour of Duncan Grant with William Hogg and Son, private bankers in Edinburgh, and received in return a letter of relief,⁽¹⁷⁹⁾ and also made a variety of other advances and payments. Duncan Grant, who became Postmaster of Forres and was Provost there from 1785-87, was active with advice in the founding of the village of Grantown, not all appreciated. On 7 June 1765 he wrote enclosing his reflections

on the proposed scheme for erection of a village,⁽¹⁸⁰⁾ and on 28 July 1765 had to refute allegations that he had publicly made unfavourable comparisons with Ballintomb (now Archiestown) and Rothes.⁽¹⁸¹⁾ On 1st November 1765 he had to explain further his thought as to supposed difficulties in introducing manufacture of wool into Strathspey. He claimed he did not wish to be accused of bias to the linen industry but thought he would prefer "that one Branch should be well established before an other is begun, and I doe not know an instance of the Woolen and Linnen succeeding in any country."⁽¹⁸²⁾ He did not become a partner in the Grantown Linen Company, formed in 1769,⁽¹⁸³⁾ one of a number of enterprises connected with that village. These were well described in an account drawn up by James Grant, estate clerk when the village was founded, and Factor at time of writing. Surprisingly, since he had noted in his journal the day of building of the first house in 1765, he misdates the founding, but in other respects the account is in accordance with estate records:-⁽¹⁸⁴⁾

"In the year 1766 Sir James Grant of Grant, Bart., the proprietor, then James Grant, Younger of Grant...planned out and marked in Lots or tenements a Village upon a Barren heath Moor, above an English Mile or a little more South West from his House of Castle Grant, and said year some of these Lots or Tenements were taken and houses erected- upon others the Heretor himself erected houses and since from time to time tenements have been taken and houses built both by the heretor and others. In fine the proprietor has used every means to establish, forward, and encourage this Village at the expence to himself in one shape or other of above Three thousand pounds Sterling. Sir James prevailed with so many of Gentlemen upon his Estate of Strathspey and Mr Hugh McVeagh of Huntly to enter for 7 years into a Copartnery Company for carrying on a Linen Manufactory there. And when the term was expired and the Copartnery dissolved, the members declining to continue bound any longer, Sir James took all the loss thereby upon himself- besides the Expence of erecting buildings and furnishing Looms and haill necessary Utensils in them set to the Company's foresman for 9 years at the yearly quit rent of 1 shilling sterling, by which means that of weaving and manufacturing Linen and woolen is carried on by said foresman and others now in the place. Sir James Likewise to establish the Manufacturing of Wool in the Village engaged one Mr. Thomas Cornish from England, an Woolmaker and Stocking Manufacturer, to set up in Grantoun.- And for his Accommodation purchased the houses Mr. Cornish said would suit him. And as he had no funds of

his own Sir James supplied him with Money and Credit to the extent of near £1,200 Sterling and for which he still remains his Debtor and ever will except so far as three or four Acres at Mile end near London may return to him. Cornish left Grantown but one of his men is yet in the place with his wife and family following the same line.

Sir James besides entered into a Copartnery for erecting and carrying on there the business of Brewing, Baking and Butchering- as those he engaged for this business had very little funds of their own he engaged his Credit for them also to a considerable extent.

The Fairs and Mercats in time past held upon the different parts of his Estate he removed to this Village and have been since held in it Toll free. Sir James has erected and fitted up a Goal and a Court or Toun house. He has improved and brought into Tillage the most of the Moors around the Village, and that being done set off the same to the Inhabitants.- Every year he lays out a considerable sum on Account of the said Village and its inhabitants, and has the great pleasure to see it in a thriving Situation, full of Merchants, Weavers of Linen and Woolen, Stocking Weavers, Smiths, Carpenters, Shoemakers, Taylers, Coopers, Bakers, a School for Boys, a School for Girls and A Physician, tho[ugh] only 26 years since the first house was built on this barren moor, 26 Miles distant from Findhorn, the nearest Seaport.- The Number of its Inhabitants is at present above 300- in a Spot that formerly was not fit to onraise a Score of Sheep."

Alexander Shaw became, at a salary of £15 per annum, the Baron-baillie on the Barony of Stratherrick , part of the Annexed Estate of Lovat, a Baillie in Inverness, where he was agent for Douglas, Heron and Company, and Factor to Lady Erskine on her lands in Knockbain parish, Ross-shire.⁽¹⁸⁵⁾ He gave advice on the founding of the other early planned village connected with Sir James Grant, that of Lewistown in Urquhart. This was, in 1769, apparently laid out by George Taylor, one of Peter May's apprentices, though his brother, Alexander Taylor, was also involved. Some 57 years later George Taylor obviously enquired as to progress for on 21 July 1826 there is a remarkable letter to him, then at Camden Street, Dublin,⁽¹⁸⁶⁾ from Colonel Francis William Grant, son of Sir James Grant, which outlines most of the forms of expenditure incurred both with the villages and more generally on estate improvement:-⁽¹⁸⁷⁾

"I beg to acknowledge the receipt of your letter of the 11th instant and to return you my warmest thanks for your very kind and friendly suggestions relative to the improvement of Glenurquhart. From the interest you are good enough to take in this matter I know it will afford you pleasure to hear that several of the things you recommended have been already executed. I may mention in particular the moor to the west of the Church along the Kyltie all the way to Ballimacaaan in trenching which I have expended about £1000; and various plantations of considerable extent, all which have certainly tended much to beautify the Country. The Inn has not cost less than the improvement of the Moor and is allowed by every body to be one of the best in the North. Much too has been done in the Improvement of the roads, and I have it in contemplation to erect a landing Pier in the Bay of Urquhart that the district may enjoy in its fullest extent all the advantages from the Caledonian Canal.

The farms were all newly lotted in what was deemed proper sized farms about 18 years ago by the late Provost Brown under my father. The quality of the Urquhart Lime has been ascertained to be excellent but it has hitherto defied us to make it an object of commerce worth mentioning beyond the home supply as Sunderland lime is brought to the Country by the Canal and sold cheaper than the Urquhart can owing to the expence of fuel and the distance of the great mass of the Lime Rocks from the water side.

The other hints you throw out shall not escape my attention, and again returning you my acknowledgements for them I remain etc."

One may picture Taylor, undoubtedly by then very elderly, reading with delight of the improvements.

The amount said to have been expended on the Inn of Lewistown is greater than I have found vouched by any accounts. Clearly there was a lack of suitable accommodation for travellers or those on business in the mid-eighteenth century and a considerable burden of hospitality placed both on landowners and the clergy, who frequently demanded, on this ground, larger manses, improved offices, and increased stipends. In the lawsuit between the Duke of Gordon and the minister of Cabrach a gruellingly long diet of proof was taken (vol.2, p.209) to minimise this burden, concerning which William Lorimer had written about 1763:- (188)

"Corn for Horses is a very heavy Article, and therefore I think every Gentleman should have a publick House near to his own House, with proper Accommodation, to which the Horses of Strangers should be sent.- Keeping the horses of Strangers or

Company...should be discharged- the thing is mutual- and the same to all Gentlemen."

The highest expenditure I have found was that of £568:45p. on the virtual rebuilding of the Inn of Cullen in 1806,⁽¹⁸⁹⁾ the lowest £47:16:6d. for the Inn at Lochroy in Lochaber. It was noted:.⁽¹⁹⁰⁾

"This house was originally intended as a Barrack for Soldiers to be employed in making the Road from Lochaber to Badenoch.- But the War has hitherto prevented the Troops being sent. In the meantime it is usefully occupied as an Inn."

By 1855, besides the hotels in royal burghs, Aberdeen-shire had 56 of its 82 parishes boasting inns,⁽¹⁹¹⁾ reflecting the improvement in roads and communications and the widening range of those travelling.

Little need be said of town-houses and jails. Following 1840 jails erected were the result of assessments under the Prisons Act which established the Scottish Prison Commissioners with a General Prison at Perth. Prior thereto general county prisons were financed by assessments by the Commissioners of Supply, but landowners in districts at some distance from the county town not uncommonly erected local court-houses and prisons by subscription. The subscription paper, industriously circulated, was indeed, a panacea of the period, touting support for academies in the larger towns to provide a higher standard of education than the parish schools, for hospitals for general patients and the mentally ill, for bridges, canals and roads, and for the many publications poured forth by hopeful authors.

Political and legal expenses.

On 6 April 1768 a correspondent wrote to Colonel James Grant, then Governor of East Florida, that:-⁽¹⁹²⁾

"It is said Mrs. Rose of Kilravock acted like a prudent woman and sold the Town of Nairn to the Best Bidder to portion her daughter."

The Elgin town-council election of 1771 saw a major struggle, in advance of the parliamentary election, with intimidation on one side and kidnapping on the other, while both sides were active in dealing as to diligences against impoverished members of the town council retiring in the hope they could keep them out of the way by carefully timed arrest for debt.⁽¹⁹³⁾ Inverury in 1780 was to see both bribery and kidnapping,⁽¹⁹⁴⁾ while Elgin, in 1820, was again to be the scene for a struggle of epic proportions involving both kidnapping and intimidation.⁽¹⁹⁵⁾

It is easy, however, to exaggerate the significance of such struggles on family fortunes. Only a small proportion of landowners spent heavily on politics and they usually did so with the expectation that their output would be reimbursed by spoils.

The cost of superiorities seems generally to have been rising until the Reform Act of 1832. In March 1830 the Curator for Lord Seafield offered to purchase superiorities from the Trustees of Alexander, Duke of Gordon, at 30/- sterling per £1 Scots of the valued rent, thus fixing the price of a vote at £600 sterling.⁽¹⁹⁶⁾

One of the greatest of the magnates, Alexander, Duke of Gordon, decided on 13 July 1792 to abandon the creation of votes as causing excessive trouble and expense.⁽¹⁹⁷⁾ Yet in the years from 31 December 1769 to 1st January 1779 the total spent on creation of votes was reckoned by the estate Cashier to have been only £1285:11:11d.⁽¹⁹⁸⁾ Between 1747 and 1784 the six North-Eastern

counties and the Aberdeen, Elgin and Inverness groups of burghs returned 36 persons as Members of Parliament. Two, Sir James Carnegie and Sir David Carnegie, were from Jacobite families, presumably seeking the restoration of the Airlie and Southesk peerages. Two, Alexander Garden of Troup, and Robert Barclay of Ury, were famed improvers. Two, Thomas Lyon, brother to the Earl of Strathmore, and Sir Alexander Ramsay Irvine, had been, prior to their becoming parliamentary candidates, a large part of their lives resident in England. Two, Alexander Brodie of Madras and Sir Hector Munro, were "Nabobs". One, George Skene of Skene, was an Opposition supporter so dissolute that, despite being qualified as an advocate, they could find no useful post for him when they achieved power. The remaining 27 all either held or sought public office, military place, or peerages. It was, therefore, little wonder that by his skill in dispensation of patronage Henry Dundas was able in large measure to control the voting power of many of the Scottish members.

Legal expenses also varied greatly. Some owners had little need to go to law, while others were rarely out of the Courts. With some exaggeration Ludovick Grant, a Writer to the Signet, wrote of James, 2nd Earl Fife;-(199)"Of one kind or another he had this winter about 40 Causes depending the the Court of Session." Often so many were being pursued that major owners required a summary of the legal actions they were involved in, and I have reproduced part of that produced by Charles Gordon, his Agent, to the Duke of Gordon in 1771 as an example of the type of actions and report to be met with. (200) In many instances the disputes of the later eighteenth century reflected

growing value of, and therefore interest in, that which had earlier been considered of little account- unimproved land, forestry and salmon fishings all providing examples.

Expenditure on the estate owner.

Dr. Barbara Horn has recently studied in great detail the domestic expenditure of Cosmo George, 3rd Duke of Gordon. (201) Perhaps it is fortunate that he died in his 32nd year since her typescript comprises two very stout volumes. Here only the main types of expenditure can be outlined, with some illustrative details.

Commonly sons of Scottish landowners were educated at public schools in England, particularly Eton, Harrow, and Westminster. (202) The popularity of the schools varied. On 6 April 1765 Dr. John Mackenzie wrote to Governor James Grant as to the removal of his nephew from Eton because "the vices, temptations and dissipations which are now introduced among these boys is much more prejudicial to a private individual than any advantage he can have by the acquaintance he may make among them." (203) His Puritanism did not appeal to Robert Grant, the London merchant, who wrote a week later:- (204)

"Your friend J. McPherson is here at present. Dr. Mckenzie who is now nearly connected with you both takes upon him to send McPherson to Mr. Grant's School- his reason to me is that he's grown a man and will be debauched at Eaton, learn to whore etc. I am for every person doing these things while they can and I can not say that I was so strongly struck with the bad consequences as the Doctor."

Somewhat similarly on 6 February 1779:- (205)

"Lady Erroll informed the Tutors [for her children] that from the Accounts she had received from her friends in England, it appeared that her son was not making that progress in his education under his Masters at Harrow that could be wished; and she was apprehensive of his acquiring Habits that might be prejudicial to him unless he was put under the care of a private Governor."

Such appointments of private tutors or governors were normal,

and those who held such posts included many of distinction. Thomas Carlyle was tutor to the children of General Dirom, Professor Andrew Dalzell to the 8th Earl of Lauderdale, David Hume to the Marquis of Annandale, Francis Hutchison to the 5th Earl of Loudoun, Sir Robert Liston, the diplomat, to the children of Sir Gilbert Elliot of Minto, Colin MacLaurin, the mathematician, to the Marchmont family, Professor John Playfair to the family of Fergusson of Raith, Professor William Rouet to James, 3rd Earl of Hopetoun, and Adam Smith, the economist, to Henry, Duke of Buccleuch, while others, such as William Lorimer, Professor John Ross, and James Macpherson, though they made little general impact, played a vital role in the estates of those whom they tutored. (206)

Public school education was commonly followed up by attendance at a university. Oxford and Cambridge were favourites, though a number attended Edinburgh or Glasgow University, particularly where a legal training was contemplated. Few seem to have attended St. Andrews University; the very full records of Marischal College and King's College in Aberdeen, published by the Spalding Club, make it clear that a smattering of children of the smaller gentry were usually among the students, but most were the sons of ministers, farmers or merchants, and there were few of the sons of peers or baronets.

Some of those unable to benefit from a university education entered the army or navy at an early age. A few, like the Earl of Erroll, were sent to military academy, it being reported to his Curators on 14 June 1782 that he had been placed at Colmar. (207)

The next stage was usually the "Grand Tour". This varied considerably in extent. On 21 January 1784 Lord Erroll's Curators

agreed to a proposal of 1st January from Captain Edmond Livingstone that Erroll should, after finish of his course, visit Switzerland and return to England through Paris and lodged £500 with Sir Robert Herries and Company for that purpose. On 15 April 1785 the Curators were driven to remonstrate that the Earl had spent £500 between May and December while those consulted considered £150 per annum sufficient for his pocket money.⁽²⁰⁸⁾ At the other extreme was the tour by John Stuart, later 12th Earl of Moray, treated as effective heir to the estate since his elder brother was imbecile. Table 9 gives known details of his tour:-

TABLE 9. GRAND TOUR OF JOHN STUART, LATER 12th EARL OF MORAY.

1st August 1819, Moscow (209)
 2 September 1819, Petersburg (210)
 --- Helsingfors (Helsinki), presented to the Czar of Russia.
 27 September 1819, Stockholm (211)
 --- Copenhagen
 5 November 1819, Hamburg (212)
 --- Brunswick
 --- Hanover
 --- Leipzig
 20 December 1819, Dresden (213)
 --- Berlin
 9 February 1820, Vienna (214)
 --- Switzerland
 --- Italy
 --- France
 --- Return to Britain through Dover after having visited Brussels (215).

The travel bug had obviously hit him since in 1828 he travelled to Sicily and Malta, returning through Italy, Switzerland and France.⁽²¹⁶⁾

In many instances the Grand Tour was the occasion for extensive purchases of paintings and sculptures. A few were originals, but more commonly landowners employed promising artists to make their own copies of the principal works of art. This was particularly

true of eighteenth century Italy. Until his death on 1st September 1784 Abbé Peter Grant, the Agent of the Scottish Catholic bishops at Rome, acted as a guide for noble visitors, his monument, significantly, being provided by the Earl of Bute and James Stuart Mackenzie, his brother. Such artists as Colin Morison, supported at Rome by Lord Deskford, James Clark, aided by James Grant of Grant and Sir Hew Dalrymple, Gavin Hamilton, and David Allan are well-known, but the subject has been sufficiently discussed by Basil Skinner to require no further mention here. (217)

Considerable purchases were also made of furniture by owners, though it is doubtful whether many of these were purchased in course of the Grand Tour or were imported into this country and subsequently sold at London by dealers. The sale catalogues from dispersal of any of the great houses make it clear that much of the finest furniture was acquired in course of the eighteenth century: a great part seems, however, to have been produced in England by expatriate craftsmen during the French Revolutionary wars, while there was also considerable looting during these wars.

Where a landowner had not previously been bought into the Army, but intended to make a career in the service, this was frequently done immediately upon his return from the Grand Tour. On 19 May 1786 Sir William Forbes, James Hunter and Company, in

which Sir William Forbes, one of his curators was a partner, advanced £3200 to purchase Lord Erroll a troop of dragoons on the Irish establishment, presumably as being slightly less costly than on the British establishment.⁽²¹⁸⁾ The subject is complex since, although there was an established scale for the sale of commissions, ranging up to £9000 for lieutenant-colonelcy of a regiment of Foot Guards, and though an Act of 1809 forbade the selling of commissions in excess of the regulation price, the Act which followed abolition by royal warrant of purchase and provided compensation (34 and 35 Victoria, c.86) had to provide for the purchase board set up allowing the customary excess.

Besides the upkeep of a country establishment, referred to on pages 154-9, a proportion of landowners had, as noted on page 23, residences in London or Edinburgh. Their expenses there, since they frequently did not pass through the hands of the estate cashier or factor, but were disbursed by the owner himself without record, or by domestic servants, are not nearly as well recorded in general as those in North-Eastern Scotland. They varied greatly, since some families had their own residences in or around London, others hired houses for the season or longer, and some lived in hotels. Drawings from the estate to London provide no sure guide to the nature of expenditure, and it is often unclear whether one is dealing with normal upkeep of a household in London, purchases of goods for use on the estates,

gambling, or payment for settling of members of the family
in a business or profession.

Most wasteful of all the expenditure was that on the funeral
of an owner. While that for the estranged Duchess of Gordon cost
£2627:18:9d., her husband's cost even more. On 11 October 1824 he
had written that he wished to be buried in a vault in the
churchyard of Bellie. He died at London on 17 June 1827 and
was interred at Elgin on 24 July 1827. On 11 September 1827 the
account from the London undertaker, amounting to £3600:14:6d. was
received. Wisely, perhaps, the Trustees, the letter of 1824 having
been discovered on 20 October 1827, ignored the late Duke's wishes.
The estates could ill-afford further migration of the illustrious
corpse. (219)

CHAPTER 6.
ESTATE BORROWING.

The ability to sustain increased expenditure was, in large measure, the result not of the growth in landowners' incomes, but in borrowing facilities. Though there were limits within which borrowing could take place before sale of estates became necessary, there is a general pattern of growing debt becoming established on a long-term rather than short-term basis.

The type of security offered for debt, the sources from which money was borrowed, the quantum involved, and the channels through which it was obtained are all important. In the present chapter the pattern of traditional borrowing is outlined, with the briefest possible sketch of the legal background. Growth of borrowing from kirk sessions and friendly societies is noted, the development of banking and changing nature of their lending are discussed, as are the role of insurance companies and the Scots abroad. The growing importance of professional assistance in this sphere is stressed, and the implications on general professional management of landed estates are considered.

Traditionally delay in paying accounts or wages could be used to deal with cash shortages. In the short to medium term bills were frequently used. These comprised both ordinary bills, drawn by the creditor on the debtor, in which the debtor agreed to payment to the creditor or his representative on a specified date at a specified place of a specified sum usually including interest to that time for value received, and accommodation bills. These were similarly drawn on an acceptor, but were substantially different in their nature. The acceptor lent nothing, in the normal course, except his name. The drawer was the real borrower, obtaining from the acceptor his promise of

payment which he then used as caution to obtain money from an indorsee. Where a bill was indorsed both the acceptor and drawer were liable for payment to the indorsee, though the person on whose part the money was borrowed had a primary responsibility for payment, recourse being made to the other on his failure. Frequently for the security of the lender more than one acceptor was made to sign a bill as co-obligants. Where a bill was not paid in due course it was frequently the subject of a notarial protest, which was registered in the Register of Deeds of one of the courts, either locally or at Edinburgh.

For longer-term borrowing other methods were normally used. The replacement of the wadset by heritable bonds has been discussed above (pp.17-18). The payment of compound interest on bonds was not permitted, as usurious, and it therefore became common when several years unpaid interest was due on a bond to grant a Heritable Bond of Corroboration, incorporating the old debt and the new interest. These were, however, also used for other purposes, as, for instance, when a successor to the debtor acknowledged his responsibility for payment to the creditor, when the debtor or his successor acknowledged a successor to the creditor, or where a sum due in a bill or account was added to the original debt due by bond.

The general principle of Scots law was that priority in payment was given to those whose debts first came to the notice of the public and those lending to a known debtor took on themselves the risk that they would not be repaid. Thus a creditor could, upon adequate proof of the constitution of his debt, which might consist of a decree of court or might be simply the result of registering a bond or a protest on a bill,

obtain letters of inhibition of the debtor inhibiting him from incurring further debt until payment of that due to the inhibitor was made and the inhibition purged, or he might obtain letters of arrestment to arrest goods due to a debtor in the hands of those owing them to that debtor. The publication of the inhibition did not prevent the debtor incurring further debts, but placed those lending at the risk of there being funds remaining for their payment after the inhibitor was satisfied. Inhibitions took effect both with regard to moveable and heritable debts. In respect of heritable debts priority of payment was normally determined not by when these were incurred but by the order in which sasines upon them were registered in the Register of Sasines, or, where a moveable debt was being made the ground of a claim against heritable estate, by the date of registration of the abbreviate produced by the Bill Chamber of the Court of Session in the Register of Adjudications, subject to the proviso that all decrees of adjudication passing within one year of the first effective one were ranked equally with it.

The use of diverse borrowing methods arose largely from the complex laws relating to prescription of debts- in the case of ordinary tradesmen's debts and servants' fees triennial prescription, of moveables and sums of money proveable by witnesses quinquennial prescription, of bills sexennial prescription, of cautionary obligations septennial prescription, and of holograph bonds, missives, signatures in compt books, and docquetted balances vicennial prescription. Each was subject to provisos that inter alia prescription would not operate while the debt was proved resting and owing by oath of the defender or by evidence of continued payment of interest, or by his written acknowledgement the sum was still due.⁽¹⁾

The early borrowing was mostly local and in small sums. On 9-10 March 1784 General James Grant wrote to George Hart as to debts of Captain James Grant of Carron:-(2)

"how he could contrive to get in debt near thirty thousand pounds is most astonishing and unaccountable. There is hardly a minister in the presbytery or a poor old maiden lady in the whole county whose money he has not got."

At the death of Sir James Grant of Grant in 1811 one quarter of his borrowing had been provided from within the Clan Grant and it is clear that much of the remainder had been incurred to members of the Clan and had subsequently passed by inheritance through daughters or by assignation to others.⁽³⁾ It was also clearly common for estate employees to allow their income to accumulate in the hands of employers or to lend to employers from their own separate funds. On the Seafield estates this borrowing on a large scale in small sums continued until 1847 when the potato famine occasioned a run on funds, disentail of the Findlater estate, and a much greater reliance thereafter on institutional sources.⁽⁴⁾

On 10 December 1751 the trustees of the Scottish Ministers' Widows Fund agreed on proposals for lending their surplus funds to the City of Edinburgh. Such lending required, however, the approval of the Lord Chief Baron of the Exchequer and the Lord President of the Court of Session, Lord Justice-General, Lord Justice Clerk, two senior Senators of the College of Justice, and the senior Baron of Exchequer, or of any three of these. When approached they suggested that a higher rate of interest could be obtained by lending to landowners on heritable security and on 14 January 1752 the Trustees considered an application from Sir Thomas Kirkpatrick of Closeburn. The amounts which the Trustees had at their disposal for borrowing gradually

increased. The Trustees had at their disposal the advice of a number of the leading Scottish lawyers of the period, applications to borrow being scrutinised by, at various times, Hew Crawford, George Chalmers, Samuel Mitchelson and John Mackenzie of Delvine, Writers to the Signet, and by Alexander Tait, Principal Clerk of Session, who appears on several occasions as a witness to docqueting of the Duke of Gordon's accounts with his factors.⁽⁵⁾

Professor Checkland has written that "There is no systematic information about the directions in which the Scottish banks lent, either in terms of regions or sectors."⁽⁶⁾ He has, however, observed that:-⁽⁷⁾

"Landed estates from the 1760's onwards, were an acceptable security for the raising of capital...It would seem that loans on heritable bonds were largely used for improvements and mansion building, with rent rolls as the effective security, though the banks would sometimes help noblemen to reorganise the indebtedness of their estates."

The growth in banks during the century between 1750 and 1850 was remarkable. In 1750 only the Bank of Scotland, the Royal Bank of Scotland and the British Linen Company were chartered. The attempt to establish a Bank in Aberdeen in 1749 with a capital of only £600 ended in failure in 1753 while the capital of the Bank of Scotland in 1769 is said to have reached only about £82,000 and that of the Royal Bank £77,204.⁽⁸⁾ Some part was played by the private banks in Edinburgh such as Adam and Thomas Fairholme and William Hogg and Son but discussion of their role, which seems to have been fairly minor, is difficult since they generally became insolvent and bonds were usually cancelled and often destroyed when paid up. By contrast Volume 3, p.203 shows the banks operative relevant to North-Eastern Scotland in 1850. For ten years, from 7 October 1828 to 1 May 1838 the Royal Bank of Scotland held a bond for £450,000 on the Marquisate and

Lordship of Huntly, while numerous smaller landowners owed to the bankers lesser sums.⁽⁹⁾

Most economic historians of modern Scotland succeed totally in ignoring insurance and assurance companies, passing straight from banking to investment trusts. An honourable exception is W.H. Marwick, who points out the considerable growth in life assurance from the founding of the Scottish Widows' Fund in 1814 until, in the 1850s, there was about £33,000,000 assured on policies.⁽¹⁰⁾ Since the London-based companies, including the Phoenix Assurance Company, Provident Institution and Globe Insurance Company, lent to James, 4th Earl Fife, and the Sun Life Assurance Company to George, 5th Duke of Gordon, their role, particularly important in the case of entailed estates where borrowing was made against life assurance or insurance, the premiums being secured on the estate rental, deserves more notice than it has been hitherto given.⁽¹¹⁾ Even local companies had their importance. The Aberdeen Fire and Life Assurance Company, founded in 1825, had in 1850 an authorised capital of £1,000,000 and the Northern Assurance Company (founded in 1836 as the North of Scotland Fire and Life Assurance Company) had also its headquarters in Aberdeen. Almost every village seems to have possessed its own insurance agent, many acting for several companies with different specialities. In 1855 there were 156 Insurance Agents in Aberdeen-shire, 56 in Banff-shire, 62 in Moray-shire (including Grantown-on-Spey) and 12 in Nairn-shire, holding between them a much larger number of agencies.⁽¹²⁾ Assuming even the most modest activity on their part a considerable capital market was being created.

Borrowing from kirk-sessions had always been common and there had been, in a number of fishing villages, Sea-Box Societies for a considerable time before 1750, while burghs had their craft and merchant associations. A considerable number of new friendly societies were, however, formed between 1750 and 1850, while funds in the hands of kirk-sessions were frequently augmented by mortifications from Scots who had been fortunate enough to acquire wealth in England or overseas. In many instances there was an express prohibition on the distribution of the capital, which was to be laid out on heritable security. In the bankruptcy of James, 4th Earl Fife, three kirk-sessions, four farmers' friendly societies, one sailors' friendly society, one masons' friendly society, and one general friendly society, were creditors. (13)

Fortunes acquired by the entrepreneurs in late eighteenth and early nineteenth century Scotland, or by Scots abroad, might be lent to Scottish landowners for support of near relations. Bills for £3506:18:11d. drawn by the Executors of John Stuart, merchant in Fittyghar for Janet Middlemass, his sister, and John Middlemass, her son, were negotiated by his uncle, James Grant of Heathfield, Factor to Sir James Grant of Grant, with whom he placed them at 4½% interest. (14)

Even where borrowing was largely from the traditional sources there was a growing importance attaching to lawyers since it became common to place with them the total borrowing requirement, which they parcelled out among their clients. A good example of this is given in Volume 3, pp.197-200 of the present thesis, where a bond for £46,500 of 2 March 1849 by George Ferguson of Pitfour to John Blaikie, advocate,

Aberdeen, was followed by 31 assignments to those truly providing the capital. It will be seen that £17,300 of the sum borrowed was placed with clients either of Blaikie and Smith, in which John Blaikie was a partner, or with clients of Gray and Boyd, Peterhead, Roderick Gray being the Factor on Pitfour's estates. Though a few of those from whom money was borrowed were at a distance most of the money was being raised locally, generally from those classes who had previously lent direct to the landowners.⁽¹⁵⁾

Tables 10-12 demonstrate the general rise in indebtedness on the estates mainly studied. It has not been possible to allow for annuities, no generally acceptable valuation for this period being available and the ages of those holding annuities often being in doubt.⁽¹⁶⁾ Since they normally were, however, only a small proportion of the total debt this is unlikely to introduce major distortion. Although institutional lenders tried, as a rule of thumb, to limit borrowing so that not more than half of the estate income was taken up with repayment of interest⁽¹⁷⁾ on the Seafield estates in 1853 it was exceeding that level when interest rates were low. With £41,794:4:6d. calculated as the annual produce of the estates, interest at 3½% on the heritable debts of £382,267 and on two-thirds of the personal debts of £232,398:10s., and at 4% on the remaining third of the personal debts was calculated at £21,800:12:3d. exclusive of £1560 interest on family provisions and the jointure of £2000 to the Countess of Seafield.⁽¹⁸⁾ If, as occurred between Whitsunday 1826 and Lammas 1828 and Martinmas 1847 and Whitsunday 1849, the rate on heritable security rose to 5%, had payments to those lending on personal security followed suit, ninety per cent of estate income would have gone on servicing debt.

TABLE 10.

COMPARISON GRAPHS

Source, Appendix 27

Logarithmic
price index

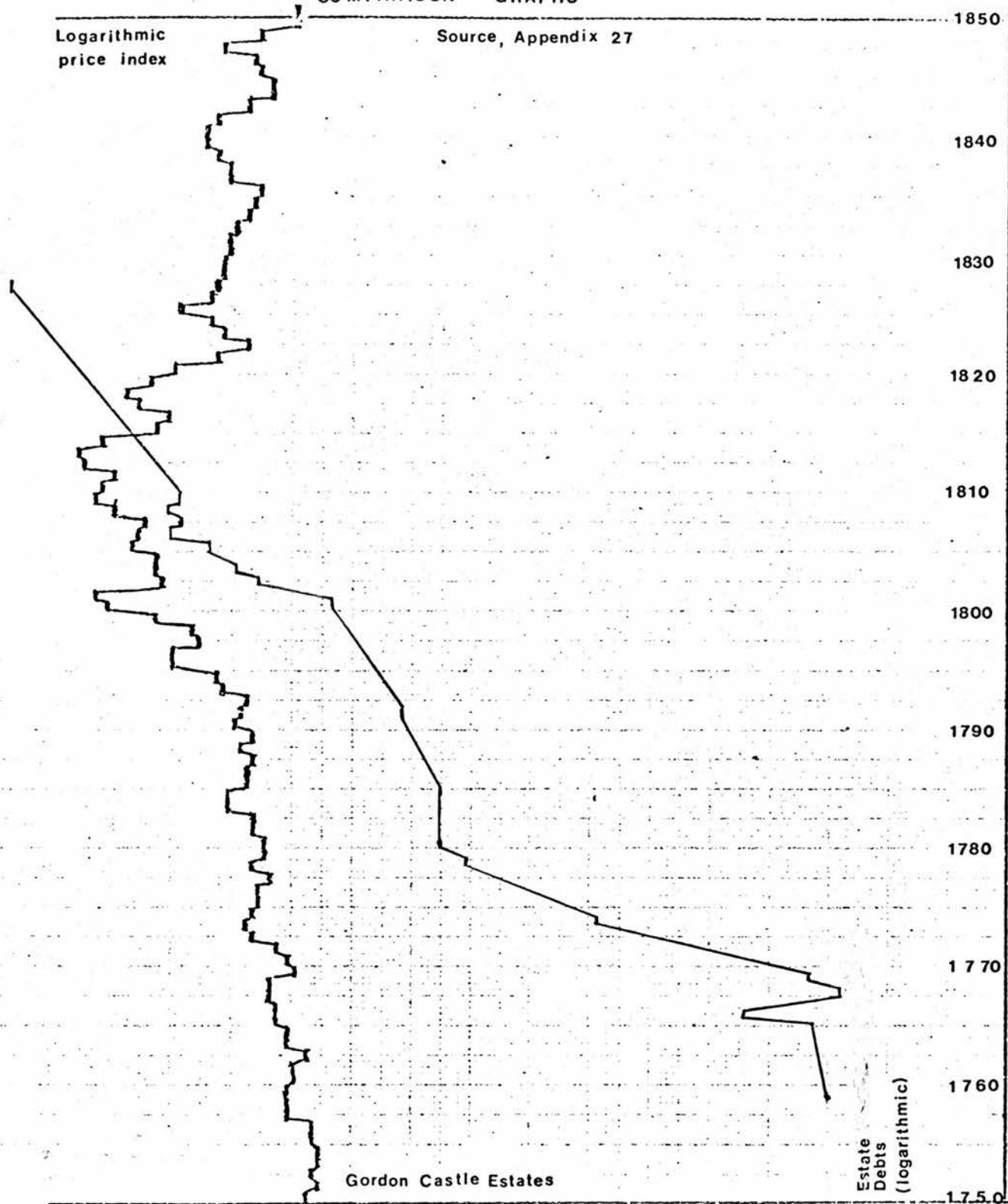


TABLE 11

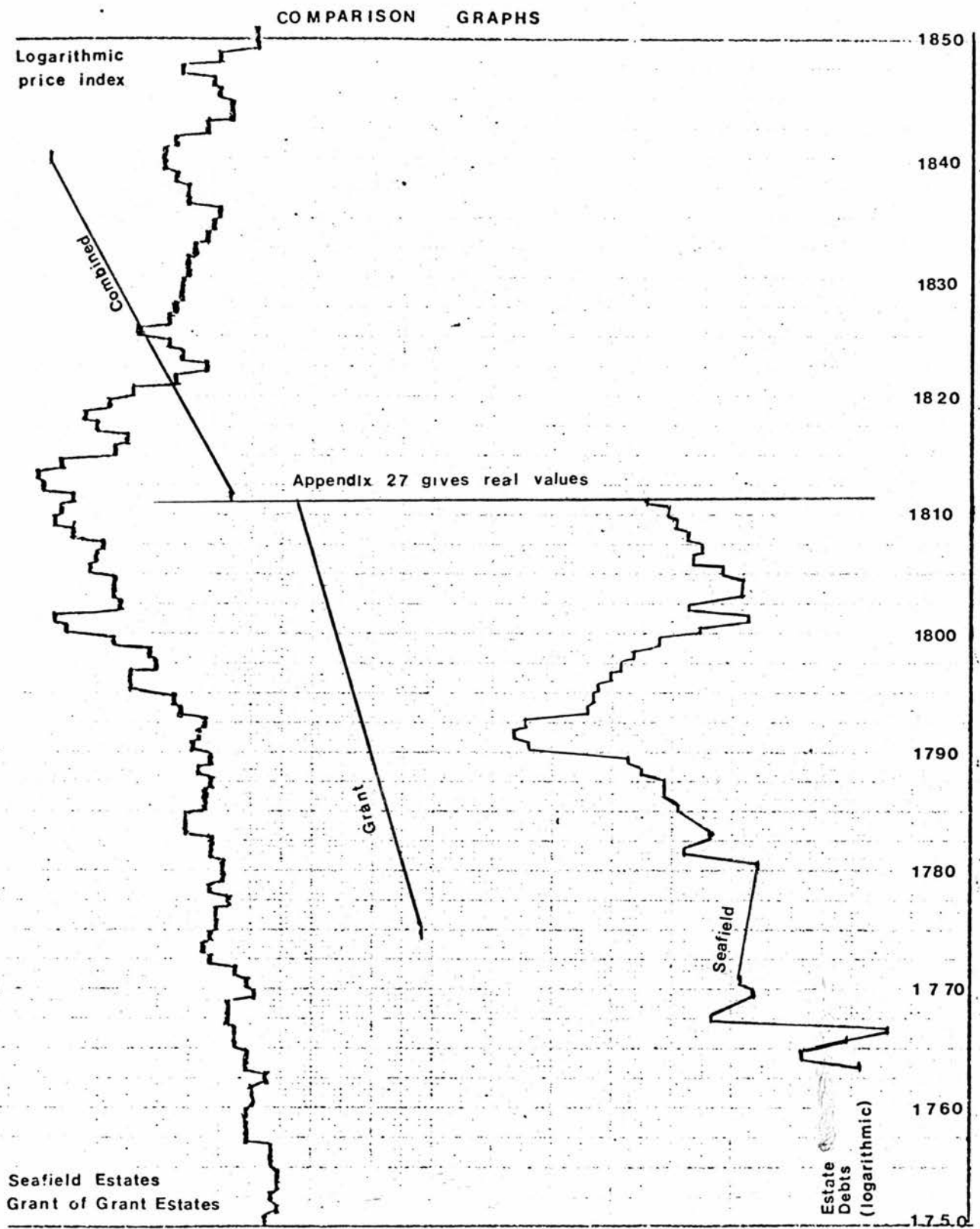
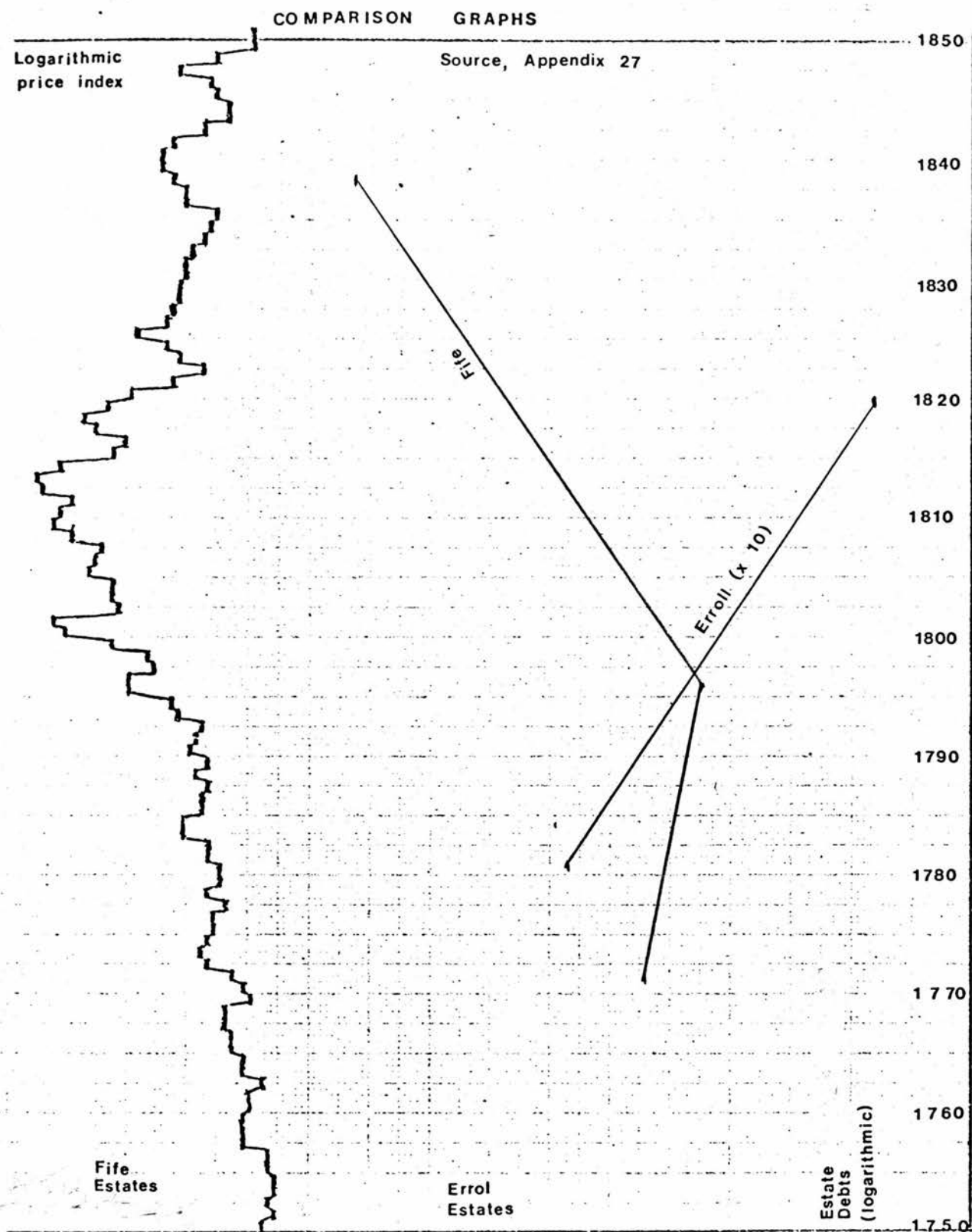


TABLE 12.



In earlier centuries comparison of interest on debt and of the rental income has been a useful tool to historians in determining whether the finances of a family were healthy or valetudinary. Where, however, within course of one year interest rates could fluctuate from a level where they would devour nine-tenths of an owner's income to a level where they would take only half such a method cannot be safely used.⁽¹⁹⁾

More useful may be comparison of the rate of growth of rentals and capital debt. During the tenure of Alexander, Duke of Gordon, from 1764 to 1827, the capital debt on the Gordon Castle Estate rose by just over 5 per cent at compound interest. The rental increased at the much lower rate of slightly under $1\frac{3}{4}\%$ compound interest. On that part of the Seafield estates which had come from the Findlater family the rental increased at just under $1\frac{3}{4}\%$ between 1770 and 1811. Sir James Grant of Grant sold various estates about 1774 making comparisons on his estates somewhat difficult. His rental income from his whole estate at that time seems to have been about £6500, with about £5000 coming from those estates he retained.⁽²⁰⁾ Comparing his total rental in 1770 with that in 1811 the rise appears to have been at about $1\frac{3}{4}\%$ compound interest, but, allowing for the sales, the slightly higher figure of $2\frac{1}{2}\%$ compound rise in rents seems probable. Increase in rental on the combined estates from 1811 to 1839 was at between $\frac{3}{4}\%$ and 1% compound interest, and the rental remained largely stagnant from then until 1853. Significantly the death of Alexander, Duke of Gordon, brought major retrenchment with sale of parts of his estates. The Seafield estate, the combined debt having risen at just under $1\frac{3}{4}\%$ compound interest between 1770 and 1839, was enabled, with the exception of the

sales by Sir James Grant aforementioned, and sale of Thorntown, Kingsfoord and Inverurie lands, more than compensated by purchase of Rannas and Darbreich, to remain intact.

One consequence of the growth in indebtedness of the landowners was development of more professional management. I have already quoted Sir James Grant of Grant on the necessity to employ a "clever and vigilant Factor"(p.133) to extricate the affairs of his spendthrift cousin, Sir James Innes of that ilk. But matters went much further. Lenders required confirmation that those borrowing were safe risks; for divisions of commonities techniques of valuing lands where the acreage was measured and a value placed upon each part had early been devised. This was, in many instances, extended where owners were faced with the necessity of increasing their rental to meet their obligations. The lawyers and accountants who sat on the boards of the insurance and banking corporations, or who directed funds from their small clients to major noblemen, expected regular information on their clients' income. On a number of the larger Highland estates, particularly Clanranald and Seaforth, the major creditors played a considerable role in deciding who should be members of the trusts which administered the estates. If it was unnecessary to exercise their power so brutally in North-Eastern Scotland, the landowners were, nevertheless, becoming less their own masters and more the tools of their creditors.

CHAPTER 7.

ESTATE MANAGEMENT- STRUCTURE AND PERSONNEL.

On 16 August 1769 James Stuart Mackenzie, Lord Privy Seal for Scotland, wrote from Belmont Castle to the Earl of Findlater thanking him for a recommendation of an estate servant and contrasting the English Land Steward "regularly bred to that service" with the Scottish estate factor who "seems to be only a sort of agent and Receiver, which is a mighty small part of an English Land Steward's business."⁽¹⁾ His remarks are, in some measure, unjust for it is clear that even by the 1760s the office of estate factor on a number of Scottish estates entailed much more than the simple receiving of a quantum of money-rent. Even if turnover of tenants was low, and rents traditional, he was, with the aid of ground officers and support of the barony courts, responsible for the exaction of services and had to ensure that victual and customs received in rent were of an acceptable standard. On the larger estates he might have the assistance of poorly paid henwives, girmen, fishmen and peatmen, but on the smaller estates the whole burden fell on the factor or the proprietor. By the 1850s, however, there certainly was a degree of professionalism and co-ordinated central management unmatched on many of the English great estates.

Estate officials commonly to be found on the larger Scottish estates were a Commissioner or Commissioners, a "doer" or law-agent, an auditor, a General Cashier, Factors or Chamberlains, a Baron-baillie, an estate clerk, an estate surveyor, an estate architect, a ground-officer, and a farm grieve, together with household servants and, where appropriate, a forester. Duties might be combined, and estates might exist without some of the

officials mentioned, particularly where an owner took a personal interest, and many of the small estates were run by the landowner, who acted as his own clerk and collector and made his own bargains with his tenants. For the great estates this was impossible. Table 13 lists the parishes in which the lands of James, 2nd Earl Fife, lay and indicates why personal supervision was not feasible:-(2)

TABLE 13.

<u>Aberdeenshire.</u>	<u>Caithness.</u>	<u>Banff-shire.</u>	<u>Moray.</u>
Glass	Thurso	Rothiemay	Urquhart
Newhills	Halkirk	Inverkeithny	St. Andrews and
Turriff	Reay	Grange	Lhanbryde
Monquhitter		Keith	Alves
Auchterless		Mortlach	Spynie
Crathie (including Kindrochat)	Gamrie		Speymouth or
Tarland	Marnoch		Essie and Dipple
Strathdon or Invernochty	Alvah		Elgin.
Tullich and Glengairn			
Migvie			
Towie			
Logiemar			
St. Machars.			

The administration as it existed at his succession was thus described

by William Rose, sometime his Commissioner:-(3)

"...Lord Fife's estates lie in the counties of Aberdeen, Banff, and Murray, and were, in the years 1766 and 1767...under the charge of seven factors: Mr [Alexander] Stronach was factor in Strathisla; the petitioner [William Rose] was factor on the Duff-house estate; Patrick Stewart was factor over the lands and lordship of Balvenie; Archibald Duff was factor on the Murray estate; John Forbes factor on Glenbucket; and John Duncan and James Allan were factors over other estates...It was a matter of some importance to settle with all those factors. Mr. Hay of Mountblairy was superintendant at one time, and his duty was to pay an annual visit⁽⁴⁾ at Duff House, and there to settle with the factors, and arrange the business of the estates for the ensuing year. He had a salary of £100. He was succeeded by the late Mr. Stewart of Edinglassie, W.S., and that gentleman was in the superintendence at the time of the late Earl's death...in 1763. He had a salary of £50 a year for his annual visit, which probably was abridged from that which his predecessor had received in consequence of the late Earl being himself very assiduous in attending to his affairs, and requiring less important assistance from a man of business."

The unsatisfactory early appointment of a Commission on the Grant of Grant estates I have already alluded to (p.45)

together with the more effective Commission under which the Findlater and Seafield estates were managed (p.47). Others might be mentioned,⁽⁵⁾ though some, like that by Alexander, Duke of Gordon, appear to have done little.⁽⁶⁾

More common in Scotland than large Commissions was the appointment of one or two distinguished lawyers. Table 14 is not intended to be exhaustive but only to indicate the subject has been hitherto neglected:-

TABLE 14. Commissioners on major estates, some examples.

Duke of Argyll's estates.	Duncan Forbes of Culloden, Lord President. ⁽⁷⁾
	Andrew Fletcher of Milton.
	John Maule, Baron of Exchequer.
	James Ferrier, Principal Clerk of Session, of whom it was stated "His loyalty to the Duke and his great abilities made him indispensable to the Duke, who was influenced by him probably more than by any other single individual." ⁽⁸⁾
Duke of Buccleuch's estates.	John Grant, Baron of Exchequer. ⁽⁹⁾
Duke of Hamilton's estates.	Robert Brown, sometime Sheriff-substitute of Inverness-shire and Trustee on Macdonald of Clanranald's estate.
Marquis of Hopetoun's estates.	David Williamson, advocate, Lord Balgray.
Viscount Stormont's (later Earl of Mansfield's) estates.	Alexander Orme, Principal Clerk of Session.
	David Scott of Scotstarvit, advocate, Member of Parliament.
Earl of Bute's estates.	William Mure of Caldwell, Baron of Exchequer.
	Robert Oliphant of Rossie, Deputy Postmaster-General
	Archibald Menzies of Culdares, Commissioner of Customs.

In many instances those involved were active on several estates and in a number of instances at different levels for various proprietors, Commissioner for one and merely law-agent for another. Information is so scattered that it is not normally possible to build up anything resembling a conventional biography of such Commissioners with description of their views and policies and how these were applied.

The notes on John Wauchope which I have reproduced in an Appendix⁽¹⁰⁾

can only be seen as an interim report, indicating that the activities might span the country and be of considerable significance in introducing new men and new ideas.

The position of William Lorimer was somewhat anomalous, though as he audited the accounts of the estate factors his role closely approached that of a Commissioner. Between granting to Lorimer of an annuity of £100 on 16 September 1760 and his death in January 1765⁽¹¹⁾ his time was fully taken up with obtaining and transmitting advice on the improvement of the Grant estates.

Near the outset of his task he drew up a memorandum of what must be accomplished, which reflects the type of advice expected by a landowner from his advisers:-⁽¹²⁾

"To get a Surveyor of Ground from the South of Scotland, who understands not only measuring and laying out of Ground, but also Farming and Country Improvements.

To inform myself of all the methods of Improvement both in Agriculture and Manufactures practised in the South of Scotland and in the Low Countries.

To inform myself of the different sorts of Tenures of Landlords and tenants both in the Lowlands and highlands.

How the Linnen Manufactories are carried on- Lint-fields and Bleaching.

The Officers of Justice in Scotland and the way of proceeding in the different Courts.

To get Macdowalls Institutes of the Law of Scotland.

To get Books of all kinds on the Police and Agriculture of Scotland.

To enquire about the proper method of recovering Lands over-run by sand.

To know how the Elections are going on, both now, and at last Elections the different Connections and Interests.

To know the Gentlemen of the County of Murray, their families, Connections, and Estates.

Do. of Inverness.

To get all the knowledge about Planting in Argyleshire and Banff.

The Situation of the forfeited Estates- particularly those annexed to the Crown.

To introduce burning of Limestone both in Urchart and Strathspey.

To converse with the most sensible Farmers in Strathspey about the best way of improving Ground.

To enquire the nature of Tenures between Masters and tenants in England.

What is the manner of settling Manufactures?

The best way of cultivating and improving the Woods- what parts are to be cut and sold- and to what place they are to be carried.

The whole scheme of Government now in England- and the nature of the Feudal Tenures.

The Government of the Colonies and their Connection with England.

The Treaties with Foreign Nations.

The Plan of every Government now subsisting in Europe.

A little Sketch of the old Greek History and Roman, and from the Declension of the Roman Empire to the setting up of the different States now in Europe.

The Families of the present Crowned heads in Europe.

The Revenues of each Crown and the way of collecting them.

The Trade and Policie of Holland and France.

The different Powers and Ranks of Embassadors, Residents, Envoys etc., Consuls, and their Sallaries.

The way of breeding Cattle, Sheep and Horses.

The different ways of inclosing Ground and Improving Soil.

The different Measures of Corn, and Liquids and Scotch Money.

The way of collecting the Rents in this Country.

The Connection of the great families in Scotland.

The price of Building here and in England.

The price of Day-labour here and in England.

Servants wages.

What are the numbers of people in G[rant] Estate- and people in the neighbourhood.

Account of the Sinking Fund- the stocks- South Sea year etc.

The different Companies that carried on Trade.

The best way for preserving Grain in Granaries."

To this James Grant of Grant added:-

"The whole progress in making Malt Liquor.

What is necessary to qualify a man to stand for a County, what for a Burrough."

Most of the Edinburgh legal firms had, by the 1850s, no more than 2 or 3 partners who were in contact with a large number of Scottish landed families and of crucial significance as purveyors of ideas. In an Appendix⁽¹³⁾ I have listed clients and partners in three of the major Edinburgh firms. From Tables 15-18 it will be seen the professional ancestry of those involved can frequently be traced back to a few key figures whose skill in business was well-known. The first date is that of admission as Writer to the Signet, the later date that of death of the Writer.

TABLE 15.

Hugh Somerville, 1 June 1696-29 May 1739.

Alexander Hamilton of Dechmont and Pencaitland

6 November 1711- 21 March 1758

James Gartshore of Alderston,

6 October 1729-23 January 1774.

John Gordon,

24 June 1774- 27 October 1832.

James Grant of Burnhall,

6 February 1792-16 June 1834

Isaac Grant of Hilton,
Clerk of Teinds,

1 July 1763-27 December 1794

Alexander Grant,

28 June 1787-4 July 1808

James Mackenzie,

10 March 1806-7 February 1870.

John McInnes, Solicitor
to the Supreme Court,
Agent to Sir James Grant
of Grant

Archibald Stuart of Torrance,
9 January 1723-November 1767

Andrew Stuart of Castlemilk,
10 August 1759-18 May 1800

Thomas Gordon of Whitburn,
5 July 1782- 6 March 1845

John Buchan Brodie
16 November 1812-4 January 1866.

George Dalziel
25 June 1824- 27 June 1869.

Notes:- James Grant of Burnhall was the Agent for the family of Grant of Rothiemurchus. Isaac Grant of Hilton and Alexander Grant were both Agents for Sir James Grant of Grant. Archibald Stuart of Torrance and Andrew Stuart of Castlemilk were agents for the Dukes of Hamilton.

See Volume 3, pp.208-9 for George Dalziel and James Mackenzie.

TABLE 16.

Andrew Hay of Mountblairry

Alexander Stewart of Edinglassie 26 July 1727-19 September 1787		Robert Grant, 8 March 1734- 11 July 1783
Colquhoun Grant, 29 June 1759- 2 December 1792	Lachlan Duff Gordon 26 June 1769- 14 May 1808	William Macdonald of St. Martins, 11 January 1762-17 May 1814
	Archibald Miln of Chapeltown, 21 June 1787- 2 October 1812, Factor to Trustees of Archibald Duff of Drummuir [CS.22/775, no.9].	Hector Macdonald Buchanan, 8 March 1791-14 September 1828
	William Innes, 18 May 1801-4 August 1841	Robert Campbell, 21 May 1805-13 June 1877.
	John Logan 19 November 1829-11 July 1883	
	Sir Charles Bowman Logan, 9 February 1860-2 March 1907	John Brown Innes, 16 November 1837-2 February 1883

Notes:- For Andrew Hay of Mountblairry and Alexander Stewart of Edinglassie see p.207. Colquhoun Grant was Agent to Sir James Grant of Grant and the Carnegies of Southesk. Lachlan Duff, or Lachlan Duff Gordon, was Agent to the Earl Fife. Robert Grant did some work for James Grant of Grant in the advertising of Grantown. William Macdonald of St. Martins was the first Secretary of the Highland and Agricultural Society. Hector Macdonald Buchanan, a Principal Clerk of Session, was Cashier to the Trustees on Macdonald of Clanranald's estate. Robert Campbell had retired from business prior to 1849. William Innes, the partner of James Mackenzie in Mackenzie and Innes, Agents to the Earls of Seafield, was son-in-law to Provost George Brown. For John Logan and John Brown Innes see Volume 3, pp.208-9. Sir Charles Bowman Logan succeeded Thomas Charles Bruce as the Commissioner on the Seafield estates.

TABLE 17.

John Mackenzie of Delvine.

Alexander Mackenzie of Portmore 15 July 1763-4 September 1805	James Chalmers, 25 June 1764- 20 November 1830	John Wauchope, 24 June 1774-10 February 1828	George Cumming of Relugas, 3 July 1778-2 October 1804.
John Taylor, 20 July 1775-30 January 1810	Kenneth Mackenzie of Inverinate, 29 June 1786 -20 November 1820.	Colin Mackenzie of Portmore, 21 November 1790-16 September 1830	
John Morison, 14 June 1791- 15 May 1837,	Thomas Mackenzie of Applecross, 4 March 1816- 9 June 1856.	William Mackenzie of Muirton, 25 February 1803 -28 April 1856	

Sir George Macpherson- Grant of Ballindalloch			

James Hay Mackenzie 1 March 1831-16 February 1865.			

Notes:- The Mackenzies are well-known as the agents for the family of Sutherland. Thomas Mackenzie was a Member of Parliament. John Morison was the Agent for George, last Duke of Gordon of the original creation. James Chalmers settled at London and acted as agent there for many of the Private Acts of Parliament which Scots wished introduced and in appeals to the House of Lords from the Court of Session. As to John Wauchope see Volume 3, pp.205-7.

TABLE 18.

Alexander Stevenson of Mountgreenan, 11 March 1712-23 February 1755.

George Balfour, 12 March 1736-28 March 1751	William Alston, 18 January 1749-5 April 1775.	Samuel Mitchelson, 12 March 1736-21 January 1778
John Davidson of Stewartfield and Halltree, 3 April 1749-29 November 1797		Samuel Mitchelson, 16 December 1760-8 December 1793
Hugh Corrie, 3 July 1772-1 June 1805	Sir Henry Jardine, 25 June 1790-11 August 1851.	William Anderson, 27 June 1774-Crown Agent, 8 May 1798-8 June 1820
William Bell, 16 June 1807-19 June 1849		Sir James Gibson-Craig of Riccarton, 21 December 1786-6 March 1850
William Cuthbertson, 14 November 1847-2 January 1864		James Thomson Gibson-Craig, 25 June 1824-18 July 1886
David Balfour of Somerside 19 July 1779-25 May 1813	George Robinson, 22 June 1784-6 May 1825	Thomas Cranston 1 August 1786-21 October 1836
George Dunlop, 23 June 1807-6 December 1852	John Innes of Cowie, 16 January 1800-17 April 1832.	Robert Rutherford, 7 March 1815-6 June 1866.
James Shepherd, 10 March 1817-4 December 1857		
Thomas Macpherson-Grant of Craigo, 23 November 1837-23 September 1881		

Notes:- John Davidson and Hugh Warrender were Agents to the Earls of Findlater. Samuel Mitchelson and George Robinson were Agents for 2nd Earl Fife. Robert Rutherford was Agent for the Dukes of Hamilton. For William Cuthbertson, James Shepherd, James Thomson Gibson-Craig and Thomas Macpherson-Grant of Craigo see Volume 3, pp.208-9. William Alston was agent to the Annexed Estates Commissioners.

Clearly certain legal firms were known to specialize in estate business and to be staffed by those trained therein, drawing a steadily growing proportion of business.

The growing importance of the doers as financial agents for the landowners has been noted (pp.199-200). One consequence of this was that, since they themselves became creditors or debtors to the landowners, they could no longer act as independent auditors of accounts. It seems certain that almost all the Edinburgh accountants active by 1850 in estate auditing could trace their professional ancestry back to Andrew Chalmers and Francis Farquharson, writers in Edinburgh, who made many of the calculations in the compensation for heritable jurisdictions,⁽¹⁴⁾ though the history of the profession gives few details of apprenticeships.⁽¹⁵⁾ Chalmers was presumably a relative of Alexander Chalmers, Accomptant in the Excise Office, who was appointed on 3 August 1744 to draw up tables for the Ministers' Widows' Fund.⁽¹⁶⁾ The Farquharson family, a notable dynasty, certainly trained John Hay, Hugh Bremner, Alexander Greig and Francis Emslie who themselves became estate auditors. Separation out of the accountancy profession from the lawyers was a gradual and incomplete process. Charles Selkirk, the most noted of the accountants in early nineteenth-century Scotland, was a notary-public, and the case of George Auldjo Esson, the first official Accountant in Bankruptcy in Scotland in 1856, has been already referred to (p.49).⁽¹⁷⁾ To a considerable degree accountants came to be employed as Trustees or judicial factors on estates where the owners were in financial difficulties- besides the instances cited on Pages 48 and 49 reference might be made to William Keith, Trustee for James Drummond, Lord Perth,⁽¹⁸⁾ Samuel Clerk, Trustee

on Clanranald,⁽¹⁹⁾ Donald Lindsay, judicial factor on that property,⁽²⁰⁾ James Brown, trustee on Lord Macdonald's estates,⁽²¹⁾ and Patrick Cockburn⁽²²⁾ and Thomas Mansfield, brother of James Mansfield of Midmar in Aberdeen-shire,⁽²³⁾ trustees on the Seaforth estates.

The accountants advised on a wide range of topics connected with estate administration. I have reproduced the advice from Francis Farquharson to the Duke of Gordon as to account books.⁽²⁴⁾ Hugh Bremner was consulted regularly as to the allowance to the Duchess of Gordon.⁽²⁵⁾ Vigorous criticism by Francis Farquharson of Haughton, accountant, played a part in the downfall of William Tod, the Duke's Commissioner. When Tod, in the difficult years after 1800, allowed the tenants to run up large arrears Farquharson peppered his reports with such remarks as "It appears that from Mr. Tod obedience is not to be expected" and "Things cannot be allowed to go on in this manner; the Orders given to Mr. Tod are no longer to be regarded by him as waste paper."⁽²⁶⁾ In the appointment of estate factors their advice might be crucial, as may be indicated by a letter of 20 January 1816 from the Seafield

Estates Cashier, John Fraser, to Provost George Brown:-⁽²⁷⁾

"Colonel [Francis William] Grant has been a good deal diffculted about the choice of a proper Factor for Urquhart in the room of poor Mr Beaton. It was very much his wish, for many reasons, to have a resident one, but after considering the circumstances of the country and the obstacles that present themselves to almost any choice he could possibly make in its present unfortunate and deplorable situation, he feels it imperious upon him, especially after having the opinion of Mr [John] Stuart the accountant, to commit the charge of it to a professional man; and accordingly I have cause to think, although he has not yet publicly declared himself, that he will immediately appoint Provost [James] Grant. This, however, only to yourself."

The accountants were frequently drawn from the landed or upper-middle classes- the Farquharsons held the estate of Haughton, Donald Lindsay was son of John Fullarton Lindsay Carnegie of

Boysack,⁽²⁸⁾ while William Keith was son of Alexander Keith of Ravelstone and Dunnottar,⁽²⁹⁾ and their advice was not limited to what lay within their professional sphere. To a letter of 20 May 1769 to the Duke of Gordon, Alexander Farquharson added a postscript:⁽³⁰⁾

"I have sent one of the pike flies I mentioned to Your Grace. I'm perswaded it will afford diversion at Glenmore, and if it answers any of your people can dress more upon the same plan. It must be used when the Loch is Ruffled with wind, and may be drawn gently on the surface like a bird drowning, or allowed to sink a little and pulled by starts imitating the motion of a frog sweeming. The fish are not commonly found in very deep water, at least they dont so readily rise there as in water from 2 to 4 feet deep. The fly is mounted on wear [wire]; hair or silk lines can not withstand their teeth."

In 1803 the British Almanack listed 2 firms (each with 2 partners) and 13 other individuals as accountants in Edinburgh. By 1850 the Edinburgh Almanack listed in Edinburgh 89 accountants. To a large extent this was connected with the growth of insurance companies. About 40 listed, some of whom were also actuaries, can be identified as involved as agents, Directors, Secretaries, Managers or Auditors. Some were also mainly involved in mercantile auditing, but a large number were, at least for a high proportion of their careers, deeply involved in estate administration.

In 1750 Alexander Grant in Tochieneal, the principal factor to the Earl of Findlater, received a salary of £25 sterling.⁽³¹⁾ A century later the salary for the Cashier at Cullen House, Alexander Fraser, was £600 sterling.⁽³²⁾ The increase reflected several changes:-

- 1) The area included within the charge of the subordinate factors had generally increased with amalgamation of a number of small collections into much larger ones. The salary of the Cashier at Cullen had to bear some relationship to that of the local factors.

- 2) Much more discretionary power now required to be

exercised by the factors.

3) The factors were, to a much greater degree, being dragged into general public administration.

Although John Gordon of Cluny was in the 1750s factor over an extensive part of the Duke of Gordon's estates⁽³³⁾ much of the work of collecting had been undertaken by sub-factors, such as John Macpherson of Knappoch.⁽³⁴⁾ Small factorships, covering an area within which victual rent and customs could conveniently be brought to a central point, were much more common. The factorship of John Ross⁽³⁵⁾ from 1779 combined collections of Keith, Mulben and Cullen formerly under separate factors, Rannas and Darbreich being added under John Wilson in 1790.⁽³⁶⁾ Peter May's factory on the Moray estates of the Earl of Findlater⁽³⁷⁾ included both Elgin and Elchies Collections, formerly under separate Factors. Alexander Munro amalgamated in Crop 1749 the Factory he had held on Crombie with one on Boyne.⁽³⁸⁾ In 1764 the larger part of the lands he had factored were merged into a Factorship William Dunbar had held over Portsoy.⁽³⁹⁾ To this there was added in 1822 the purchased estate of Durn.⁽⁴⁰⁾ Ten collections had thus been merged under three factors and the process was taken still further when, in 1854, William Gillespie Bryson became Cashier at Cullen and Factor on the whole Portsoy or Boyne Collection and the bulk of the Cullen Collection,⁽⁴¹⁾ while the Keith portion of the Cullen Collection was merged with the Moray Factory.⁽⁴²⁾ The process of merging of factories did not end at this time. Robert Craig, formerly grieve on the Cullen Home Farm, who succeeded Peter Brown as Factor on the enlarged Moray Collection,⁽⁴³⁾ also became Factor on the Earl of Seafield's estates in Glen Urquhart, Inverness-shire, and though,

when he left in 1872 a separate Factor was again appointed for Glen Urquhart⁽⁴⁴⁾ the Moray estates of the Earls of Seafield were combined in a single factory with Strathspey under John Smith.

In the 1750s arrears of rent were generally uncommon and when incurred would often continue to be shown for many years in factorial accounts, probably in some instances long after a right to claim had prescribed. The factory to John Gordon of Cluny over Badenoch and Lochaber in 1755 authorised him to collect certain arrears which could have become due, at latest, thirty years before.⁽⁴⁵⁾ Where tenants were, as many of the larger tenants had been in the 1750s, creditors to the landowners, there was little need to exercise discretion as to temporary arrears. By the early nineteenth century the position was often very different. On 15 September 1809 the Rev. John Anderson, as Factor to the Duke of Gordon on Badenoch, Kincardine, and Lochaber, wrote:-⁽⁴⁶⁾

"Had Sequestration been followed out in all cases to enforce payment, many of the Tennants would have been made Bankrupt, their stocking would not have been found sufficient to pay in full; and their possessions would have either been left waste or have been lett at a very reduced Rent, owing to the state of the times and too many of them opening together. A different course has been pursued, which it is hoped in time may restore the Tennantry to Credit, and the Landlord to his own. Some who never had means to fulfill their Engagements have been removed. Others, it is feared, must still follow. An abatement, where it appeared requisite, has been granted from Whitsunday 1809 to all those on the Lochaber Estate who were likely to do well and pay punctually in future..."

A policy of purging the accounts of hopeless debts was also initiated.

As Anderson had written on 22 September 1808:-⁽⁴⁷⁾

"Having already assigned my reasons for not wishing to have the Old Arrears given up by Mr. Tod continued on the face of my Accompts, I again entreat that they may be taken under consideration; and what appears completely irrecoverable be struck off. The State of the present year, after every Exertion made, exhibits a great and serious new Deficiency, and to continue on a Mass of Old Bankrupt Debts of this kind can answer no useful end, but must tend to embarrass the Factor, and give an appearance of Negligence in his Duty, when all his Time, and Talents, and Industry are required to prevent more serious losses in the present Moment. For this year I enter the Charge as formerly, but hope afterwards my Accompts will be no farther dogged with it."

The exact duties of different estate factors varied. Both William Alexander⁽⁴⁸⁾ and William Rose⁽⁴⁹⁾ sued their respective employers for labours they had carried out which they considered to be in excess of what could be comprehended within their factorial salaries. Rose was unsuccessful and Alexander only partially successful, and the cases failed to lay down any general guidance on what could be expected from a factor as part of his normal duties. Some indication is given in the correspondence of Peter May in 1767 to 1768 as to becoming factor to Lord Findlater,⁽⁵⁰⁾ and in a letter of the Rev. John Anderson of 9 August 1806 accepting a suggestion from Francis Farquharson of Haughton, accountant, the Duke's auditor, that he should become Factor to the Duke of Gordon:-⁽⁵¹⁾

"...From long residence in the Highlands my local knowledge and acquaintance both with the dispositions of the people, and the value of the property, ought to be considerable. Having acted frequently as a Factor, without having been blamed hitherto, in so far as I know, either from a want of fidelity or accuracy, perhaps I consider myself sufficiently qualified for the employment as to Pen and Ink. Nor am I in any degree afraid of committing a Constituents interest, or lowering his consequence, when representing him in district or County Meetings.- But this Factorage will be an office of great Trust, and great Labour; and I am now mid-way between forty and fifty, and rather apprehensive that I should not be able to undergo the fatigue that a faithful discharge of duty would render unavoidable. Without taking into consideration the extra Trouble that must arise, at first, from introducing some necessary Changes of Management, the Man who should attend honestly to His Grace's Interest must, in the ordinary course of his employment, frequently perambulate the Marches, and take care that there be no encroachments; must fix the boundaries of the different farms to prevent disputes among the Tenantry, inspect the farm biggings; take care of the Woods; call out the people to clear and bulwark the Rivers; and in short do more than I fear my Constitution is equal to. On these accounts, if the Duke can find any young man in the prime of life, possessing more activity than me, and suitably qualified otherways, I should think it more advisable to give him the Appointment. I beg, however, it may be represented at the same time to His Grace, if he thinks, after weighing all circumstances, that my services are likely to be more useful, I am ready to obey his Command, without any Hesitation or reluctance; and will act to the best of my abilities to promote his Interest..."

The proviso of the Lands Valuation (Scotland) Act of 1854 that factors on the larger estates could be appointed to act as Commissioners of Supply on behalf of their employers was only one step in their integration into public administration. In a large number of instances I have noted in Appendix 30 that factors were provosts or councillors in royal burghs or burghs of barony or justices of the peace. Lists of these are frequently defective, and I am conscious many such appointments must have escaped my notice. Factors also acted frequently as Turnpike Trustees and a number of the county statute-labour commutation Acts qualified them to act as Trustees. Many also sat on local Poor Law Boards after the 1845 Act, and a smaller proportion were qualified to, and did act, among the Commissioners for Property and Income Tax and Commissioners for Assessed Taxes.

The appointment of William Marshall, formerly butler to the Duke of Gordon, demonstrates that there was no fixed road to a factorship.⁽⁵²⁾ The evidence, however, from the large number of factors on whom I have collected notes in Appendix 30⁽⁵³⁾ is that a high proportion of the factors did undergo training before becoming themselves factors. In many cases they were the relatives of existing factors and began by assisting them before themselves being appointed. Four main sources from which factors were drawn clearly emerge- estate servants, lawyers, army officers, and land surveyors, but it is clear that many of the estate servants did also as part of their preparation for factorships qualify as writers and notaries-public. Professor F.M.L. Thomson, in his Chartered Surveyors, the Growth of a Profession has suggested that it was only in the later nineteenth century that surveyors were

widely employed as factors on Scottish estates and that the change in the eighteenth century was mainly from the employment by the major landowners of neighbouring local lairds to that of lawyers. Even on the estate he was most familiar with, however, the Duke of Atholl's, James Stobie, whose map of Perth- and Clackmannan-shire has been described as 'a great and monumental work',⁽⁵⁴⁾ held a factorship and Thomas Palliser was also a surveyor. Although only about 15 of those listed in Appendix 30 as land surveyors acted as factors on North-Eastern estates this partly reflects the enormous areas which a single land surveyor and valuator was capable of dealing with. Peter May, George Brown, his nephew, and Brown's son, Peter Brown, leading surveyors and valutors, were successively the factors on the Moray estates of the Seafeld family from 1768 to 1864 and frequently valued in other parts of the Seafeld estates. The use of valuations by surveyors who were not permanent estate employees was, however, common on almost all Scottish estates in the later nineteenth century as these were far more likely to be accepted by the tenants than valuations by the landowner's full-time servants.

The appointment of lawyers was more common where small factorships were to be held on a part-time basis than where there was a full-time appointment, although there are a number of instances cited in Appendix 30 and such appointments were relatively common in the Borders where William Ogilvie of Chesters and Adam Ogilvie of Hartwoodmyres, advocates, became Chamberlains for the Dukes of Buccleuch, and John Scotland, Writer to the Signet, resident Commissioner for the Earl of Home. When the General Cashier on an estate was trained as a lawyer and advice from land

surveyors was readily available appointment of army officers, tenant farmers or estate servants to other factorships could be made with relative equanimity. The country was still predominantly rural and the lawyer or army officer appointed as an estate factor might well have been brought up on a farm, as can indeed be shown in many instances. (55)

The factors could, on occasion, show considerable independence. Although George Brown held the Moray factorship for the Earl of Findlater from 1778 to 1814 the relationship was often stormy. In 1784 the Church of Elgin became vacant. John Forsyth, Agent for the Bank of Scotland, used his influence as banker to secure from Elgin Town Council recommendation of his brother-in-law to be minister against Findlater's support of the Rev. Robert Grant of Cullen. The outcome was two letters from Brown to John Wilson, the Cullen Cashier: the first, dated only as written on Saturday morning, was clearly written on 3 April 1784:- (56)

"I have not time to write you fully my opinion of the late communing betwixt my Lord Findlater and I, and how I am now determined to conduct my self, but will the first post probably, and ask your opinion, as a friend, which I esteem exceedingly on all occasions. I shall only just now say that no Lord or man on earth shall ever have an opportunity to say to me what was said on a late occasion, and am sorry that little talking designing disappointed people should have been the means of this misunderstanding, which has given me more pain than anything else could possibly have done and I must acknowledge that I was proud to think that my Lord Findlater had such an opinion of me as that he would not have been influenced so easily."

In the second letter, written on 4th April 1784, he protested that, though the Town Council of Elgin had gone against Findlater's wishes on this occasion, they were generally attached to him:- (56)

"I must say that its cost pains, and the salary that I had from my Lord yearly was by no means equall to the time and Expence it cost but this I never minded so long as I had his Lordships friendship....I left an Exceeding good Bussiness when I satt down here, which I did at the desire of Mr. May and much

against the advice and opinion of many other friends, but from the friendship and attention shown me by my Lord Findlater when last in the Country, I had little notion of moveing while that continued. From what his Lordship said to me that seems at an end and I am therefore Resolved to give up the Bussiness immediatly and leave this part of the Country, or I will Continue to Collect the rest of Crop 1783 and preceeding arrears, as his Lordship chuses."

His farm of Linkwood he would give up on being paid for his improvements, or would continue till the end of his lease.

On 12 April 1790 Professor John Ross, one of Lord Findlater's Commissioners, wrote to John Wilson, Lord Findlater having implied that Brown had reported inaccurately the arrears due by tenants under John Grant of Gallovie, his predecessor as factor on Elchies:- (57)

"I hope you will find leisure to come here for a day or two about the end of the week, as was proposed. Mr. Brown is anxious that you should, and says he will have materials to shew you the exact amount of the arrears due by Gallovie for Crop 1779 and preceedings. It seems to me absolutely necessary that a matter which has made so much noise should be cleared up to the conviction of every impartial person, both for Lord Findlater's satisfaction and Mr. Brown's exculpation."

So close did Brown come at this time to quitting his factorship that the Commissioners even approached a possible successor. (58)

On 2 March 1791 Brown wrote to John Wilson as to a complaint from the Laird of Findrassie that Brown had preferred his clerk, James Chapman, to the Laird for a farm:- (59)

"I think Mr Chapman may pay 30/- to 40/- of Advance Rent at the end of the 19 years, which it may be worth at that time, if he is spaired to go foreward with the Improvements of some moor ground adjoyning and otherwise the Farm as it stands is a bad Bargain. It would not have answered, with the Laird of FINDERASSIE for a sheep Farm, tho James Chapman had not taken it- nor do I consider the Laird in any shape a good Tenant further than the payment of the Rent, but on the conterary a very bad one in every other respect. If my Lord Findlater wishes to accommodate FINDERASSIE in Birny I shall only humbly suggest to give him Elbow Room, as he will not long have many neighbours. But I shall recomend to the laird when I see him to go snips with his Dear Cusine, the Minister of Knockando, in Corryhoppernocho and Whiteleys, as being the place in Birny most adapted for sheep."

Prior to the abolition of the heritable jurisdictions the Baron-baillie or Baillie of Regality was frequently much more important in estate administration than the Factor or Chamberlain. On the Grant estates in the 1720s it was with John Grant of Delrachny that power lay, not with the factors, who had normally only a short tenure of office, while the Duke of Gordon's baillie of regality on Badenoch and Lochaber was John Gordon of Glenbucket, similarly out-weighting the factors or chamberlains.⁽⁶⁰⁾ Frequently the post of baron-baillie was merged with the Factorship at an early date, though in other instances it remained with local lawyers who were also retained to pursue removings of tenants in the sheriff courts or was granted to neighbouring minor local gentlemen.

Little need be said of the estate-clerks save that their salaries rose in line with those of the factors and general cashiers. By copying rentals and estate accounts, making out receipts for annualrents, and conducting much of the estate correspondence they frequently succeeded in rising to be themselves factors.

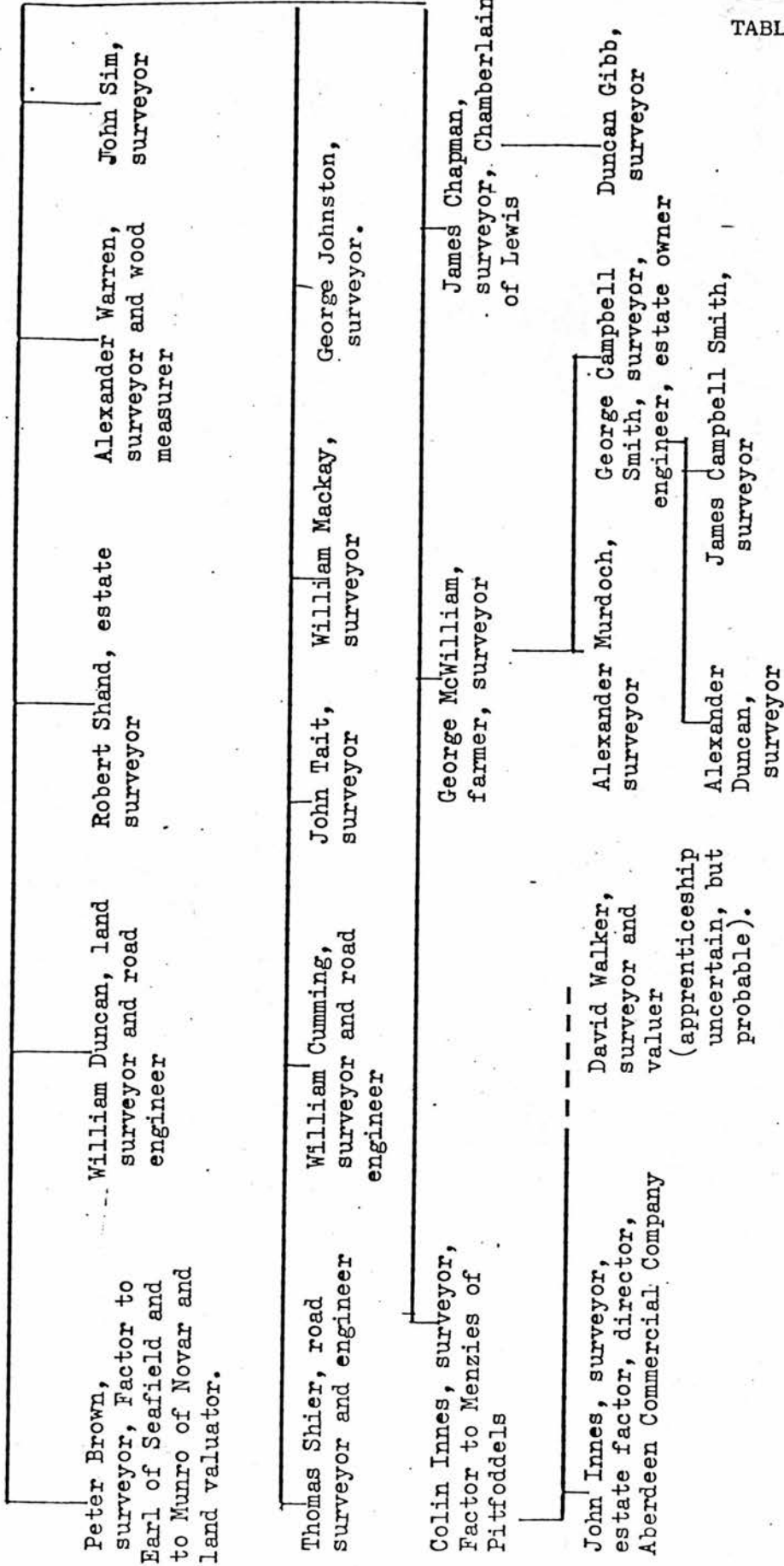
On few estates were there salaried land surveyors. The Duke of Gordon employed William Anderson on this basis, despite his denial in a legal process, while James Burges, Thomas Milne, Alexander Taylor and George Taylor, who were among the apprentices of Peter May, shown in Table 19, were employed as salaried surveyors in the late 1760s and early 1770s.⁽⁶¹⁾ But George Brown, May's most successful protégé, preferred to accept only a short-term engagement with the Duke of Gordon.⁽⁶²⁾ In Appendix 16 (Vol.2, p.279 and end-jacket) are plans showing those parishes in which May and Brown and their respective apprentices surveyed.

Peter May, surveyor, Factor to Earl of Findlater and Baron Gordon of Buckie and later to Earl of Bute			
John Hutchison, land surveyor in Montrose	James Burgess, estate surveyor to Earl of Findlater	Robert Johnston, surveyor, estate clerk and later secretary to Earl of Findlater	William Menzies, surveyor, estate factor to Mrs Murray of Abercairney, aged 66 in 1812
Alexander May, surveyor, Factor to Earl of Bute and Collector of the Customs	Alexander Taylor, surveyor	George Taylor, surveyor, engineer, geographer, army Captain	William Taylor, surveyor and playhouse manager
George Brown, surveyor and road engineer, Provost of Elgin, Factor to Earl of Findlater and Baron Gordon of Buckie and to Munro of Novar, postmaster of Elgin	Thomas Milne, surveyor and engineer, geographer		

APPRENTICES OF GEORGE BROWN AND OF HIS ASSISTANTS.

TABLE 20.

George Brown



On the Seafield estates much of the surveying business when it passed from May and the Browns went to those whose professional training, as shown in Table 20, can be traced back to George Brown.

The skeletal details of Brown's career have been given in Appendix 30.⁽⁶³⁾ Of his training with Peter May, which had included surveying for James Grant of Grant in 1767,⁽⁶⁴⁾ he wrote on 11 July 1795 after May's death:-⁽⁶⁵⁾

"I have at last got a copy of Mr May's settlements which is full upon my part equal to my expectations and some of my other friends may say that he has been too liberal towards me, but any man who will consider that I wrought hard to him for nine years and during that time or since never had a shilling, even cloths to my back or shoes to my feet, and in a good measure contrabute a little to makeing part the money, will not think I am over paid."

Brown's early work appears to have consisted of straightforward mapping of existing land use. Although his first employment had been in Moray and Inverness-shire with the Laird of Brodie,⁽⁶⁶⁾ Cumming of Altyre,⁽⁶⁷⁾ and the Duke of Gordon⁽⁶⁸⁾ on 9 April 1770 he advertised in the Aberdeen Journal that he intended to settle at Aberdeen. Some of his work was done in the close neighbourhood, such as surveys in 1771 for Lord Forbes at Pittodrie, or in Buchan in 1772 for Lord Saltoun, but, as with a survey in 1771 for Sir Alexander Ramsay of an estate near Dundee purchased from George Dempster of Dunnichen, Brown also ventured further afield.⁽⁶⁹⁾ One of his extensive early estate surveys was made in 1774 of Monymusk,⁽⁷⁰⁾ while in 1776 he surveyed Mains of Craigievar and other lands in the parishes of Leochel-Cushnie and Coull in

Aberdeen-shire.⁽⁷¹⁾ Though his appointment as Findlater's factor entailed his transfer to Elgin, he continued to survey in Aberdeen-shire after 1778. Probably he was anxious for employment wherever it could be found as on 26 January 1780 Peter May had written to Robert Barclay of Ury as to joining as cautioner for a cash credit for £500 for Brown with the Aberdeen Bank, which must have been used for his improvements at the farm of Linkwood, favourably noticed by Andrew Wight.⁽⁷²⁾ His report in the complex lotting out of the estate of Belhelvie for sale by the York Buildings Company in 1781 is the basis for the comparison in Volume 3, p.121 of those lands in 1781 and 1855.⁽⁷³⁾ His appointment by John Wauchope, on the recommendation of George Moir of Scotstoun, in the autumn of 1781 to plan and lot out Lord Errol's lands of Slains for sale⁽⁷⁴⁾ was followed by a minute of 31 January 1782 that the survey would not be available by 1st March, the advertised sale date.⁽⁷⁵⁾ By 16 October 1784 Brown's business had expanded into Ross-shire, for he then wrote to John Wilson, Lord Findlater's Cashier, that he:-⁽⁷⁶⁾

"was ten days with Mr. Mackenzie of Seaforth at Brahan Castle, which is a most Beautifull place, tho' quite in the state of nature. I have sett my man to work to make a survey of the Lands about Brahan, from which I must give him a plan in the way that occurs to me for laying it out for a Farm and pollicie."

The parish of Birnie, within his own factory, he surveyed in 1786, but the drawing up was partially incomplete, owing to the pressure of business, which caused annoyance to Lord Findlater, though Brown pointed out that the plan was sufficient for all necessary use.⁽⁷⁷⁾

Surveys in 1795 in Dumfries-shire did not indicate a desire to extend the range of his operations beyond the North-Eastern Counties and Highlands of Scotland, the estates examined being Castlemilk for Major-General Alexander Ross, brother to the late

James Ross, the Duke of Gordon's Cashier, and to Professor John Ross, and Mount Annan for Colonel Alexander Dirom, whose father had been sheriff-substitute of Banff-shire.⁽⁷⁸⁾ Brown's early connection with the Brodie family probably influenced his employment in June and July 1796 to survey and plan out improvements on Arnhall, Fettercairn parish, Kincardine-shire, with a consequent spectacular rise in the estate's value, Alexander Brodie, a younger son of the Laird of Brodie, who had purchased it, proving to apply shrewdly in this country what he had gained in India.⁽⁷⁹⁾ Brown enjoyed by this time a wide reputation. On 16 May 1797 Lord Reay wrote him from London relating Brown's fame:-⁽⁸⁰⁾

"as a man eminently skilled in his profession, and the high character several of my friends have given me of you as a Gentleman." He stated he had inherited an extensive but neglected estate, that he was to come North and remain there all July and part of August, and wished a complete survey of the estate and advice as to the proper disposition of the lands.

Unidentified 'sketches of farms' in Lord Macdonald's papers⁽⁸¹⁾ may be connected with a note by George Brown in his Diary of 26th April 1799 that he had written for payment of an account due for a survey of Lochmaddy by William Cumming, one of his journeymen.⁽⁸²⁾ This Diary is extant from 12 April 1799. It opens with Brown making out an estimate of Countesswells in Aberdeen-shire. On the 18th of April Brown, together with William Cumming, was deponing to the valuation of Fraser of Lovat's estates, part of which it was proposed to sell under private Act of Parliament to reduce debts.⁽⁸³⁾ An estimate of the lands of Inverallochy in Aberdeen-shire followed on 31st May, for which on 4th June he was drawing the plan. On the 28th June he was

surveying the Aughtenpart Town Lands of Elgin for division, being involved in a further meeting on this on 16th October and producing next year the final plan of division.⁽⁸⁴⁾ On the 8th of July he began an estate survey for Mackenzie of Kilcoy at Wester Kessock in Easter Ross, where he continued till 9th August. Although the principal purpose of his trip was to line out roads in Caithness and Sutherland on 19th and 20th August 1799 he surveyed Sir John Sinclair's grounds at Thurso East, finishing on Wednesday 21st "before breakfast". By Wednesday 27th August he had begun to survey the lands of Calrossie and Glassloch near Tain. He had finished the estate survey there by Tuesday 3rd September but spent some time protracting and on Thursday and Friday 5th and 6th September settled a march between Hugh Rose's lands and those of Muckle Allan, giving also an estimate for 360 acres of planting before moving to Beaully by Sunday 8th September, where he made up instructions for William Duncan, one of his journeymen, being sent on a survey to Skye. He himself spent some time with two of his other journeymen who were surveying near Beaully, William Cumming for Lovat and Alexander Warren for James Fraser, probably of Belladrum. On 8th and 9th October he inspected Urquhart of Meldrum's lands, completing the "State" on his return home on 12th October, the estate then being intended for sale.⁽⁸⁵⁾ A further estate survey was made that year, of Kinstearry, but this appears to have been minor, since it occupied only Friday 29th and Saturday 30th November. Such surveys were in addition to Brown's valuations of individual farms, meetings attended, farm sales supervised and rent collections, though Brown did allow himself one diversion.

On 21st November 1799 he noted he was:

"All day at home makeing out a sketch and notes about the Camp, said to be a Roman Camp, at Deskfoord, tho bad information has been given to Mr. George Chalmers."

At this time Brown renewed his involvement with the Duke of Gordon's estates. In 1800 he produced for the Duke a "Descriptive survey of the lands and barony of Auchanachy and lands of Auchindruim, parish of Cairny."⁽⁸⁶⁾ Brown wrote on 11 July 1800 that he was to depart for Aberdeen the next day at request of Charles Bannerman where he was to value part of the estates of [Menzies of] Pitfoddels, which was to be sold, then to go two days to Arnhall and return by Peterhead and Fraserburgh where he had been named arbiter for a commonalty division.⁽⁸⁷⁾ On 30 March 1801 James Grant of Heathfield, Factor of Strathspey, wrote a somewhat exasperated letter to Sir James Grant telling him that Brown, who was expected, had not arrived since he was assisting General Hay at Leith Hall to set his leases.⁽⁸⁸⁾ Although Brown did some surveying that year for Grant in Urquhart, where William Cumming, his assistant, was active,⁽⁸⁹⁾ Sir James cannot have been delighted when Brown, again expected in Strathspey, wrote on 6 October 1801 that he had been assisting Mr. Duff of Drummuir in letting his lands.⁽⁹⁰⁾

On the Gordon Castle estates preparations for a general re-letting at Whitsunday 1803 had been considered since 1799.⁽⁹¹⁾ Brown was accordingly in 1802 extensively employed in dividing and valuing the lands in Huntly and the Enzie,⁽⁹²⁾ for which he had to apologize when he wrote to James Grant of Redcastle on 29 October 1802 telling him all other work had been thrown back.⁽⁹³⁾ Although Alexander Low, sometime Factor on the Earl of Marchmont's estates was also employed⁽⁹⁴⁾ the work appears to have been only partially completed by Whitsunday 1803. From the 14th to the 30th of May that year Brown as at Huntly:⁽⁹⁵⁾

"closely employed for 14 days, divideing Cults into small Lotts, Muir of Rynnie, and Muirend into 19 lots, laying out

a new village there, and arrangeing the marches of many farms, settleing and straighting marches betwixt His Grace and Druminer etc. etc. £31:10s."

But further work required to be done in 1804. On 21 April he "Left Home...for Badenoch, along with Mr [John] Menzies; was out 8 days, assisting in Letting the Lands and divideing those about Kingusie etc. £21."⁽⁹⁶⁾ Of this he wrote on 3 May 1804 to John Wilson at Cullen that until he came to Gordon Castle he did not intend to go to Badenoch "but was asked in that manner that I could not well be off.- It was a most unpleasant kind of Bussiness upon the whole."⁽⁹⁷⁾ For the Duke of Gordon he also in that year surveyed Newton Garioch, contracted the plan of Lochaber to a smaller size, and laid out on the plan the new divisions of Lochaber and made the calculations of the new divisions.⁽⁹⁸⁾ Even with this his work was incomplete upon that estate. In 1806, with the assistance of John Sim and Alexander Warren, he surveyed the lower part of Lochaber from the Water of Spean in the east to Inchrie and Blarmafoldach, consisting of 8807 acres, together with the village of Gordons Burgh, now Fort William, "according to the present possession" in preparation for a re-arrangement.⁽⁹⁹⁾ The succeeding year he undertook the re-arrangement of Auchindoun, Glenlivet and Strathavon, including on 1 June 1807 "makeing a plan of the Lands and Village of Tamintoul, with Explanation, 6 Folio pages", when that village was extended.⁽¹⁰⁰⁾ His work on the Gordon Castle Estates seems to have been completed in 1808 by divisions in the Enzie, Boat of Bog, Leitchestown and Clashtirim. His account between 1802 and 1808 on the estate amounted to £1086:6:11d.⁽¹⁰¹⁾

In 1804 Brown surveyed for Sir James Grant of Grant Delnabo

and Lynachork in Kirkmichael parish, Banff-shire,⁽¹⁰²⁾ and Dalvey, Advie and Tulchan in Cromdale, Inverallan and Advie parish.⁽¹⁰³⁾ On 15 November 1805 Brown wrote to Sir James Grant as to undertaking the survey of the remainder of Strathspey.⁽¹⁰⁴⁾ He again mentioned this in a letter of 13 April 1806 to Sir James, but pointed out that he had engaged in October 1805 to survey the whole of Farquharson of Invercauld's property, promising, however, to attempt to complete in 1806 the survey of Urquhart, though even this he was unable to overtake.⁽¹⁰⁵⁾ It appears to have been completed in 1808.⁽¹⁰⁶⁾ Brown's letter of 13 April 1806 approved in general terms the division of hill pastures which James Grant of Corriemony, advocate, in a letter of 24 March 1806 had urged upon Sir James Grant,⁽¹⁰⁷⁾ the correspondence being conducted in the aftermath of and context of publication of the Earl of Selkirk's Observations.

Brown's account for surveying of Strathspey begins on 12 September 1806. By 8 December 1810 the account amounted to £1544:9:4d. besides an account for £43:1s. for nursery plants supplied. Sir James Grant's death brought only a temporary halt to the survey, which was recommenced on 1 May 1811. The field-work was said to be complete by 27 July 1813 and the account for the second portion of the work, amounting to £1088:12:8d. was made up to 25 August 1814.⁽¹⁰⁸⁾ Besides the £2633:2s. thus due various minor payments for board etc. of John Sim, Brown's principal assistant in this survey, were made, amounting to £99:3s. between 1 May 1811 and 27 July 1813,⁽¹⁰⁹⁾ so that if the earlier advances to him were in proportion the total cost of the survey can have fallen little short of £3000. Sim's work included the laying out of the village of Carr Bridge in 1808.⁽¹¹⁰⁾ Although Brown supervised, his own

involvement seems to have been partially curtailed by the death of his wife, who had formerly managed his farm of Linkwood, and by a severe fall in Urquhart on 18 September 1808.⁽¹¹¹⁾ Brown wrote to James Grant of Bught, in obvious annoyance, on 20 January 1809:-⁽¹¹²⁾

"This severe season and my time of life is against any rapid recovery from the effects of my fall in Urquhart and by the loss of blood [I] was so reduced that I am still unable to take exercise in the open air in this confounded weather."

Although the Gordon Castle, Grant of Grant, and Farquharson of Invercauld surveys, the last of which appears to have been completed in 1809,⁽¹¹³⁾ were the largest undertaken by Brown other important surveys were dealt with in this period. In 1806 he began work on Pittendreich and Petty, part of the Earl of Moray's estates,⁽¹¹⁴⁾ work on which, together with Connage, appears to have been completed by 1808.⁽¹¹⁵⁾ In 1808 he completed for Hugh Ross a survey of the estate of Gledfield in the parish of Kincardine, Ross-shire,⁽¹¹⁶⁾ while for Ross of Balnagowan the much larger survey of Balnagowan in Edderton, Kilmuir Easter, Kincardine and Logie Easter parishes was completed, much of the work being undertaken by Alexander Warren.⁽¹¹⁷⁾ On 21st October 1809 there was said to have been delivered to Alexander Shand, agent for General the Honourable William Gordon of Fyvie a plan and report of lands in Maryculter parish sold by roup for John Menzies of Pitfoddels on 20 October 1809. The General raised an action claiming the lands of Blairs, which Menzies later gave to the Roman Catholic Church as a college for their students, had been included in the sale, basing this on Brown's survey and report. On 27 June 1811 this claim, however, was dismissed by the Court of Session.⁽¹¹⁸⁾

Brown also laid out about 1810 Lord Cawdor's estate though the only details I have found have been in a removal against a tenant.⁽¹¹⁹⁾ In some measure George Robertson and John James Roy⁽¹²⁰⁾ filled the vacuum created by the diminished level of Brown's activities between the fall and his death on 19 June 1816, though he still made a number of valuations, including that of Aberdour for purchase by John Dingwall of Brucklay on 12 November 1813.⁽¹²¹⁾

Brown was responsible for laying out a considerable number of the North-Eastern planned villages besides those aforementioned. That of Kingussie, which he recommended in 1771 should be built,⁽¹²²⁾ he planned out in 1798 at a fee of £38:6:7½d.⁽¹²³⁾ In 1780 he planned out Buckie for Baron Cosmo Gordon in Rathven parish, where a harbour was designed by John Gwynne, the engineer.⁽¹²⁴⁾ Rothes, one of the more successful planned villages, was extended in 1790 and again in 1796. On 25 January 1790 Brown wrote to John Wilson:⁽¹²⁵⁾

"I have markt out the new Street of Feus at Rothes and shall make a sketch thereof, and send you over, and shall have the same advertised soon, tho' there has nearly been as many people at me about them as [to] take the whole, so there will be no great occasion for intimateing them, tho it shall be done."

On 28 January 1796 he paid a bill for 7 days spent at Rothes with 2 assistants marking off further lands.⁽¹²⁶⁾ Near Elgin he laid off in that year Bishopmiln, now incorporated with the town.⁽¹²⁷⁾

About the same time, the Countess Dowager of Findlater having died and Banff Castle having opened to the Earl, he wrote to John Wilson:-⁽¹²⁸⁾

"I wish a Sketch to be sent me of the number of tenements for building that could be made out of the Ground and their yearly value on 99 years' Leases if there is a spirit of building at Banff. They ought to bring considerably."

Instructions were accordingly given on 24 November 1796 to Brown to survey and value the lands,⁽¹²⁹⁾ which he reported on 19 March 1797 he had completed.⁽¹³⁰⁾

Findlater also wished at this period to shift the town of Cullen, long-standing objections to the old site as being too near the mansion-house being coupled with the requirements for extensive repairs at Birdsbank, the house of Thomas Rannie, and to the church and manse, precipitating desire for instant action.⁽¹³¹⁾ Brown was involved in the preparation of various plans⁽¹³²⁾ but difficulties seem to have arisen in trying to site the rebuilt town to the joint satisfaction of Lord Findlater in Saxony and his Commissioners in Scotland and the matter seems to have dropped.⁽¹³³⁾ The project was renewed when John Fraser, Cashier to Colonel Francis William Grant, wrote on 20th January 1816:-⁽¹³⁴⁾

"The Colonel is seriously desirous as soon as he can to set about the removal of the present town of Cullen and to have a new one gradually erected in order to save the heavy annual expence it costs to keep up the swarm of worthless old houses from tumbling about the tenants' heads; for as to rendering them either decent or comfortable that is quite out of the question and altogether impracticable (sic). He will therefore be happy, when you have full leisure and convenience, if you will come over in order to plan a new town upon the ground, and also make the division of the Cullen Lands that will become necessary upon the change of the Town."

Brown's death prevented his laying out Cullen, making his "Plan of the intended town of Burghead as settled by the proprietors and partly laid out"⁽¹³⁵⁾ of 1808 his last involvement in village-planning which I have been able to trace.

His work as a surveyor under court remits or in arbitrations reflects the types of estate disputes referred to in preceding chapters-quarrels about marches, divisions of commonities and mosses, erection of churches and fishings. Though his uncle's recommendation did not obtain him employment in 1769 in the dispute between the Minister of Cabrach and the Duke of Gordon,⁽¹³⁶⁾ he soon obtained work in this line. By 1777 he surveyed the commonity of Mountforthie and disputed marches in Ellon parish for an action between Lord Aberdeen and General Robert Fullerton of Dudwick.⁽¹³⁷⁾ In 1782 he

divided between the heritors the seating in the parish church of Duffus.⁽¹³⁸⁾ A suggestion that he should be employed to survey the Loch of Spynie in the controversy as to the drainage between Sir William Gordon of Gordonstoun and the Brander family was overturned on 9 March 1782 on the discovery Lord Findlater would benefit by the drainage, but on 30 May 1782 Brown gave evidence as to relative surveys and submissions in which he had been involved in 1780 and 1781.⁽¹³⁹⁾ The accounts of William Tod, Factor to the Duke of Gordon, include £37:14:6d. in Crop 1787 paid Brown as to a proposed excambion with Sir William Gordon⁽¹⁴⁰⁾ and he also surveyed grounds in dispute between feuars in Garmouth.⁽¹⁴¹⁾ In 1790 he, with David Aitken, land surveyor, divided the runrig lands of Nairn.⁽¹⁴²⁾ At the same town he was involved in 1793 in a survey as to fishings on the River Nairn which had changed its outlet to the sea.⁽¹⁴³⁾ In 1797 he produced a plan of roads in dispute between James Brodie of Brodie and the Dunbars of Boath,⁽¹⁴⁴⁾ while he also appears to have, late in that year, surveyed fishings on the River Dee for a legal action.⁽¹⁴⁵⁾ In 1800 he surveyed in an arbitration as to stream fishing between Mulben and Cairnty on the River Spey,⁽¹⁴⁶⁾ but, despite this record of employment in such cases when he surveyed the cruive-fishings on the River Ness an Information of 15 February 1804 for Duncan Forbes of Culloden claimed Brown's plan:⁽¹⁴⁷⁾

"was interlarded with opinions, advices and remarks which were not required and which he was inadequate to give."

About 1810 he was involved in the operations concerning the further drainage of Loch Spynie, since it was necessary to calculate by how much each heritor benefitted, a matter primarily for a valuator rather than the civil engineers who undertook the drainage operations.⁽¹⁴⁸⁾ His account, outstanding at his

death, amounted to £256:9:10d.⁽¹⁴⁹⁾ His latest activities in this sphere appear to have been a plan of Mundole Commonly in the parish of Forres in 1814 for a division⁽¹⁵⁰⁾ and a plan in 1815 of lands in Sutherland between Lochs Migdale, Buidhe and Lare in dispute between W.S. Dempster and H. Houston of Criech.⁽¹⁵¹⁾

In 1790 Brown began surveying for new military roads in the Highlands and had recommended some 1016 miles 1687 yards by 1803.⁽¹⁵²⁾ Most had to await the forming of the Highland Roads and Bridges Commissioners, but on 27 February 1792 the British Fisheries Society took up the cause of the Dingwall to Ullapool road, for which an earlier estimate had been made by David Aitken.⁽¹⁵³⁾ Brown's estimate was considered excessive and the road completed more cheaply, but he was vindicated by failure of the road as made to stand the test of time.⁽¹⁵⁴⁾ Passage of time, rises in labour costs, and the higher standards laid down by Thomas Telford for construction, ensured that Brown's roads had to be re-surveyed before being let, but his work provided the base for the Commissioners' activities.⁽¹⁵⁵⁾ Brown was adept in planning his work so that activities were complementary- the Reay survey was begun in 1797 by including surveying of the road from Kirk of Farr to the Town of Thurso in his activities⁽¹⁵⁶⁾ and continued the next year by inclusion in his work-schedule of surveying the road from Kirk of Durness to the Head of Lochinver.⁽¹⁵⁷⁾ The extent of his activities on common and turnpike roads in North-Eastern Scotland will only be known when the records of the Commissioners of Supply and Turnpike Road Trustees have been examined but certainly he was employed on the Cullen to Portsoy road in 1803⁽¹⁵⁸⁾ and on 16 January 1805 alterations by him on Thomas Shier's plan for the turnpike road from Banff to Fochabers were approved.⁽¹⁵⁹⁾ Since Shier's employment was agreed to

only on Brown's declinature through pressure of business it is a reasonable assumption that he had at least opportunity of extensive business in this line within the North-Eastern Counties. As a valuator Brown enjoyed the confidence of Thomas Telford, being appointed by him on 10 September 1804 to value the lands to be taken for the Caledonian Canal between Loch Ness and the Moray Firth, for which purpose several plans were made.⁽¹⁶⁰⁾ On 25 March 1813 Brown wrote to John Wilson at Cullen:-⁽¹⁶¹⁾

"I should immediately attend you for the purpose of settling with the people here. But I am so situate that its out of my power. I have from the commencement of the Caledonian Canal and Highland Roads and Bridges been employed upon the part of the Parliamentary Commissioners to value on their part surface damage. I am therefore obliged to be at the Iron Bridge upon the Dornoch Firth 20 miles above Tain the 1st of April, and you know that this business cannot be shifted. I hope to be back here by the middle of April."

Brown's valuations were sometimes the subject of acid comment. On 8 July 1810 the Marchioness of Stafford wrote to her husband:-⁽¹⁶²⁾

"...Much serious conversation about improvements and much digested to be talked over with you. They say that this country is so little known that before any great thing is done it would be well to have the estate viewed by an intelligent man who could give an idea of the value of the different parts under a proper management, but that till that is done we shall labour pease meal and in the dark. There is such a man, a Mr Lowe [Alexander Low] who under the same circumstances surveyed the Duke of Gordon's estates previous to the set. The Duke of Gordon thought he undervalued it and applied afterwards to Provost Brown who pleased the Duke by putting too high a value upon which he went, and has been obliged to come down from failures to the other, but still an immense rise.....It is to be ascertained without saying anything of the constituents what Lowe charges for his inspections..."

Her remarks were to some extent in line with those of Rev. John Anderson, later Commissioner to the Duke of Gordon, who wrote on 20 June 1805 to George Macpherson at Invereshie, later Sir George Macpherson-Grant of Ballindalloch, Member of Parliament for Sutherland and an adviser to the Sutherland family, as to rejection by the Duke of Macpherson's offer for lease of

Glenfeshie Forest:- (163)

"...you will not be so much surprised at the opinion the Duke and Dutchess have formed of its value (as they must rely on the opinion of others) when I tell you that Provost Brown, according to the Information communicated to me, has given an Estimate of it that setts common sense at defiance....How unfortunate is the Lot of those who must judge of their own matters by the eyes of such as are often more studious to flatter their prejudices than to correct their Errors, and to promote their Interests by impartial statement and honest action."

In fairness to Brown it must be noted that between Low's and Brown's valuations rents generally were rising rapidly. On 18 July 1805 Brown wrote to James Grant of Bught as to the Caledonian

Canal valuation:- (164)

"In stateing the value of those fields cutt I made the same as high as in my humble opinion land in that locall situation is likely to bring for many years supposing the same progressive rise to continue, keep away from some wild speculations. I can see that in the neighbourhood of Inverness that the idea of the Canal has raised people's ideas about the value of land, in my opinion more than it ought to have done....I paid no attention to any advantage that the several propertys thorow which the Canal passed was afterwards likely to dirave, which I fain hope may be more than many people supposes, and we may live to see Torvain and all your property north of the Canal covered with Houses and Gardens."

More succinctly Brown had written on 6 November 1796 to Sir James Grant as to lands he had valued:- (165)

"I think the value that I have put upon these lands moderate, which is in generall my practice as I hate the idea of squiseing up a rent to the highest pitch as that is generally a barr to improvement."

Nor can he be accused of writing to please the landowner in another letter of that month to Sir James Grant:- (166)

"With submission to you, I do not approve of your farming so much yourself and that so detached. I should approve of your improveing and putting in order any farm so as to bring it into order that a fair value could be drawn therefor, but as you are little in the Country the carrying on farming to any extent you'll find a loseing game."

Brown suggested that the farms in the possession of a landlord should be generally laid down to grass, let to cattle-dealers, and corn, meal and malt bought in.

It would obviously be as wrong to treat Brown as typical as to suggest a study of Robert Adam could reflect the normal employment of an architect or Thomas Telford, Brown's friend, of a civil engineer. Little has been said of his lengthy career as Provost of Elgin and involvement in securing the return to Parliament for that group of burghs of the candidate favoured by Lord Findlater, while in 1796 he accepted a post as Assistant Quarter-Master for Scotland for the army, seeking on 21st December 1796 the assistance of Sir James Grant to obtain a commission in a Fencible Regiment to qualify him.⁽¹⁶⁷⁾ Almost every collection of papers listed concerning the Highlands or North-Eastern Counties of Scotland reveals further evidence of his activities. Table 21 shows sums owing to Brown at his death which cannot be related to any of the employments above-listed:-⁽¹⁶⁸⁾

TABLE 21.

£400 by Francis Garden of Troup
 £256:9:10d. by Sir William Gordon-Cumming, 2nd Baronet of Altyre and Gordonstoun, and Charles Lennox Cumming-Bruce of Roseisle, his brother.
 £173:16:7d. by Sir John Gordon of Letterfourie
 £166 by Lewis Dunbar Brodie of Burgie
 £142:19:8d. by Sir John Gordon Sinclair of Murckle in Caithness
 £91:17s. by Thomas Craig of Barmuckity
 £63:12s. by Hugh Rose of Kilravock
 £61:14:1½d. by the Trustee on the Halkerton estate
 £43:18:7d. by Managers of Robert Gordon's Hospital at Aberdeen
 £42:16s. by James Grant of Corriemony
 £27:16s. by Colonel Gordon of Invertromie
 £36:16s. by Colonel Sir Robert Barclay
 £33:9:3d. by Adam Gordon of Cairnfield
 £20:13:1½d. by John Mackenzie of Allangrange
 £15:4:6d. by Lachlan Cumming of Blackhills
 £11:11s. by Gordon of Embo
 £10:11:10d. by Rev. Dr. Francis Nicol of Strathmartine
 £9:14:4d. by the Earl of Kintore
 £5:14:6d. by Richard Wharton Duff of Orton, and £4:5:6d. by Harry Niven Lumsden of Auchindoir.

Not surprisingly his work as a surveyor meant that on occasion even his work as a factor fell in arrears. On 24 October 1786 Professor John Ross wrote to John Wilson, Cullen:-⁽¹⁶⁹⁾

"The Collector [Theophilus Ogilvie] talks of setting out for Cullen about the beginning of next week. You know he will be very impatient to have all the Accounts cleared as quickly as possible- and I am much afraid Mr Brown will be late, as formerly, which will try the Collector's Patience."

Two days later Ross again wrote to Wilson as to the Collector:-⁽¹⁷⁰⁾

"At present he talks of being there on Wednesday November 1st but I shall endeavour to persuade him to delay it till the end of the week as I think it is probable that the Accounts, at least some of them, may not be ready for Examination sooner than the week after next. He tells me that he has this day written an anxious letter to Mr Brown on the subject of his Accounts."

Similarly on 13 October 1797 Professor John Ross again wrote to John Wilson:-⁽¹⁷¹⁾

"Mr Brown is to be at home today or tomorrow at latest and he must be kept hold of till his Accounts are settled and all the Reports made about the Farms which he is to inspect and estimate."

In some measure the difficulty in placing together an adequate account of Brown's career reflects the belief of the landowners in Brown's ability to tackle projects on a scale which would have daunted lesser men. More eloquent, in its own way, than Lord Reay's tribute to Brown was perhaps the memorandum drawn up in 1796 by Sir James Grant for a visit of Brown to Strathspey:-⁽¹⁷²⁾

- 1) To value Dreggie and Achosnich
- 2) To look at the pasture in common to Auchernack, Bellintomb of Abernethy, Achmagolin, and Revack
- 3) To settle a march between Belliefurth and Auchernick
- 4) To value and divide the farms of Belliefurth, Culriach and the great meadows of Culnakyle with a moss (for Culriach) at Garlyne so as to make the meadows and Culriach serve as many tenants as may be possible.
- 5) To take the proper level for the River Spey at the Meadows and look at the embankments on Spey and Nethy
- 6). To consider how a line of road can go from Craigbeg to fall into the new Dulcie Road by the West End of Lochindorb
- 7) To direct the inclosure of Mr McDonald's farm at Finlarig, which has been delayed too long
- 8) To look at the farm of Knockanbuie in Tulchan
- 9) To consider Curr with the view I have already explained to Mr Brown in part and the Factor fully [i.e. for a village].

10) To take the Davoch of Tullochgriban into consideration for a two-nineteen years lease- in the consideration of Dulnan River remaining as it is and of the course being changed

11) To look out and line the moor for the Town or Village in Abernethy

12) Value farms out of lease next year

13) To look at the farm now possessed by the Innkeeper at Aviemore and consider it and Bulladern as setting separately

14) To consider what may be requisite at Ellack

15) Glenbeg to be considered for different tenants and pasture and moss for Gaich.

As with surveyors, architects were not normally full-time estate employees, though it was common for the same person to be repeatedly employed. William Robertson, architect, Elgin, was, for instance, extensively used on the Seafield estates on all save the largest projects, when Edinburgh or Aberdeen architects were brought in. The architects were still only, in some measure, however, emerging as a profession. Much of the work on the Castle Grant and Gordon Castle estates in the later eighteenth century seems to have been designed by the masons, John Scott, Alexander Carmichael and Thomas Urquhart, themselves.

Little need be said of the role of ground-officers, foresters, farm overseers and household servants. The overseers and household servants have, I feel, been adequately dealt with when considering estate expenditure. With the increase of the area under each factor and the extensive plantation of lands both ground-officers and foresters were required to shoulder part of the burden formerly carried by the factor. This was particularly the case where large-scale drainage was undertaken under Peel's Drainage Act and when, as leases expired and farm buildings erected by the tenants became the property of the landowner at valuation, a much higher proportion of fixed equipment on the farms was the landowner's.

Much of the growing professionalism of estate management was reflected in the records, to which in the next chapter I shall briefly turn. Reports in the mid-eighteenth century are often revealing for how little they show. By the mid-nineteenth century a surveyor's report would be considered inadequate which did not specify how far the tenant had improved his ground, what remained to be done, and how far he was fit to undertake the task. Even in the best reports of a hundred years earlier such information is an unexpected bonus. The reports by valuers now took into account life tenures on estates and discounted for them. The reports by accountants varied little from those produced by Francis Farquharson in the minority of Cosmo George, Duke of Gordon, but whereas Farquharson stood almost alone by 1850 there had arisen a strong profession. The emphasis which has been placed on the enthusiasm of the improving landowner has, in large measure, served to direct interest away from the growth of professionalism in land management and estate financing.

CHAPTER 8.
THE RECORDS OF ESTATE ADMINISTRATION.

As early as 16 October 1703 George Drummond, Laird of Blair Drummond, produced an account of the financial state of the Earl of Perth's estate as compared to 1662 with notes of rises of rent, lands purchased, jointures paid, income from pensions and casualties etc.⁽¹⁾ As late as 24th January 1840 the Marquis of Huntly had to admit that accounts had not been cleared with his Edinburgh Agent since 1823.⁽²⁾ The general Scottish picture, however, is of growing bulk and sophistication in the records of estate administration.

On the 4th of March 1773 the Earl of Aberdeen deponed in the lawsuit brought against him by the Laird of Drum that:-⁽³⁾
"the late Earl of Aberdeen, his father, was in use after he had made answer to such letters as he received, or after a certain period though he might not have answered such as was of little importance, to destroy them sundry times in the year; and his father was always in use to do so with such letters as were in his custody when he left home for any time; and the deponent's father was in use to follow the same practice as to all letters he received upon any business whatever..."

His practice must have been far from uncommon. Many of the major collections of estate papers in the Scottish Record Office contain disappointingly little from the seventeenth and early eighteenth centuries. In some instances the small bulk can be attributed to accidental destruction, but it is clear in others that a ruthless policy of weeding was pursued. Such documents as survive frequently bear indications that they were little cared for. On the great estates matters seem to have altered mainly in the 1760s and 1770s. On 11th

March 1765 John Adam, architect, wrote to James Grant of Grant:-⁽⁴⁾

"As to the Charter room at Castle Grant, I suppose you intend to put the papers in White Iron boxes, which is now the general method and certainly the best in every respect. These boxes may be of any size, but are generally 16 or 18 Inches long, 13 or 14 Inches broad and about 10 Inches high. They are generally number'd 1.2.3 etc. and the Contents refer to a Register or Inventory, so that any paper can easily be found. If you approve of this method

I shall get them made and sent north to you, agreeable to any number or size you please to direct. In this case you need do nothing with the Charter room itself, but to shelve it for carrying the boxes, and plaister it. It should indeed have an Iron door, to preserve it in case of the accident of fire, which I shall get made for you here of Cast Iron, if any workman will send me the dimentions."

At Cullen House the system used was, instead, presses in which the titles to the various lands were made up in one or more bundles as requisite. Reference is made to earlier inventories of papers, both general and relative to particular lands, but the whole were consolidated and brought up to date by William Robertson, this, from the arrangement, being done while he was General Cashier to Lord Findlater. He seems to have been similarly employed at Gordon Castle around 1780, though I have been unable to trace any voucher for payment to him. Certainly there had there been purchased in 1773 deed boxes similar to those proposed for Castle Grant, though the Gordon family later economised when more were required by purchasing through Charles Gordon of Braid and Francis Elmslie, the accountant, deed boxes which had belonged to the bankrupt Sir John Gordon of Invergordon and were being roused among the effects of John Hay, accountant.⁽⁵⁾ At Duff House, also, William Rose seems to have accomplished an archival revolution.⁽⁶⁾

In an Appendix Francis Farquharson's advice to the Duke of Gordon on the keeping of estate records has been reproduced, which⁽⁷⁾ gives a useful brief account. Since, however, little has been published on the records of Scottish estate management it may be worthwhile to expand his statements. The main divisions may be suggested as (1) Rentals (2) Factors' accounts (3) Cash books (4) Ledgers (5) Records of Bonds and Bills (6) Registers of Factory Accounts (7) States of Accounts (8) Cartularies and registers of leases (9) Letter-books (10) Sederunt books (11) Household books,

and (12) Surveying records.

Rentals.

These may be further divided into judicial rentals, ordinary rentals, ledger rentals and tenants' rentals, while there are often registers of alterations in rentals.

Judicial rentals were taken where the amount of the rental was not known or where it was necessary that the figures should be sworn to. Frequently, for instance, there was a judicial rental taken when a factorship was transferred, particularly when a factor was dismissed and there were doubts whether he had honestly included in his rentals all the property from which rent was drawn. Almost invariably one was taken when an estate was sold as a claim for damages or reduction of the sale could arise if the rental was lower than that stated when the estate was sold. Similarly where an estate fell to a minor the tutors for their own safety required to take a judicial rental.

Occasionally confusion is caused by rentals drawn up for teind causes. Though these were usually almost as full as the normal estate rentals they tended to exclude unconverted services. Often comparisons made between rentals from the later eighteenth century and the seventeenth century are invalid since, until the aftermath of the 1745 Rebellion, it was unnecessary to specify services in the tacks and rentals, a point which seems to have been commonly ignored.

Little need be said as to ordinary rentals. These were frequently arranged parish by parish and did not normally give information on subtenants. The types of rent included have been discussed in Chapter 4 (pp.55-67). It seems common in the eighteenth century for the same rental to be used for several years, but by the 1760s on the Seafield estates a new rental was drawn up each year. On the larger estates this was done by a clerk, on the smaller

estates the factor might act or outside help be sought. Not infrequently local schoolmasters or writers were used when temporary assistance was required, either through exceptional press of business or because of illness or absence of members of the permanent estate staff. It was thus that James Grant, later known as James Grant of Heathfield, Factor of Strathspey, and Alexander Beaton, Chamberlain of Urquhart, entered the service of Sir James Grant of Grant.⁽⁸⁾

On many estates there was also drawn up in each crop a ledger rental, noting the amounts payable by each tenant and the dates when payment was made in part or whole. These were normally paper-bound volumes. A logical development was the consolidation of these into tenants' ledgers covering several years where an estate factor could quickly see how well tenants were paying their rents and what was due from them. On the Cullen section of the Seafield estates these begin in 1766 and the other portions of Lord Findlater and Seafield's estates followed suit shortly after 1770.⁽⁹⁾ On the Duke of Gordon's estates, in contrast, tenants' ledgers, which passed into the Scottish Record Office from the Crown Estates Commissioners, begin only about 1824.⁽¹⁰⁾

There were also drawn up, in many instances, notes of the alterations between the rentals of the estates in each crop. This was particularly common on the large estates where the central administration wished quickly to know how effectively the local factors were operating.

Factors' Accounts.

These were accounts of charge and discharge. The charge showed the rental income, as set forth in Chapter 4, together with arrears of rent, Factors' rests, and balances.

Arrears by tenants are self-explanatory, as are balances due by the factors carried forward to the next account. "Factors' rests" arose where payment was made by the tenants in victual or kind, remaining in the estate granary, or otherwise in the factor's possession. Where unsold at close of an account these would appear as rests in the charge of the succeeding account.

The early factors' accounts were frequently kept partly in cash and partly in victual. Many of the payments to ground officers, baron baillies, regality clerks, foresters, schoolmasters and ministers, and in charity to the poor, were made in kind on the estates where the rent was collected in this form and only the part sold was accounted for in cash. Down until, for example, Crop 1764 the money and victual accounts of William Bell, Factor to the Duke of Gordon, were kept separately,⁽¹¹⁾ while they were thereafter amalgamated.⁽¹²⁾

The use of Scots currency in factors' accounts continued long after the Union. Those of Alexander Tod, Factor to the Duke of Gordon on the Enzie, changed to use of sterling between Crops 1746 and 1747,⁽¹³⁾ while Alexander Grant in Tochieneal, Factor to the Earl of Findlater first used sterling as the unit of account in Crop 1763.⁽¹⁴⁾

Many of the accounts were kept only in journal form without any division into classes of the income and, more importantly, the expenditure. This was particularly true of those kept by lawyers with several clients. Those, for instance, of Provost James Grant of Bught as Factor for the Earl of Seafield on Urquhart showed the discharge purely in journal form until Crop 1839. Robert Grant, his successor, kept the accounts both of income and expenditure in

classified form, as had been done on most other parts of the Seafield estates since John Stuart became auditor in 1815.⁽¹⁵⁾

Corresponding to the accounts there were the vouchers, normally numbered in accordance with the items in the accounts. When the accounts were so arranged as to keep cognate items together this, therefore, implied grouping of vouchers relative to particular types of expenditure. Practice varied slightly from estate to estate but there was a fair degree of uniformity, and the classification of expenditure made in Chapter 5 (p.134) corresponds to the norm. The order in which items appeared in the accounts might differ, some classes of expenditure there given might be subdivided or amalgamated, but, as was to be expected where the principles of drawing up the accounts had been formed by a few men and were spread through the employment of their trainees, there were few major variants.

In the examination by trained auditors Scotland led England. James Loch's employment on the Sutherland, Bridgewater and Ellesmere estates may be seen as linked, but his work as auditor for the Earls of Dudley certainly place him as operating in England on the Scottish pattern of an independent professional, skilled in law and accounts, without undivided loyalty to a single employer.⁽¹⁶⁾

Following examination the accounts were docqueted, that is, the balance having been struck and notes having been made as to any unvouched expenditure on which further information was required, they were signed by the factor and by the landowner or his representatives, thereafter to be conclusive except where fraud was alleged. Normally, of course, the account was prepared in duplicate, one copy going to the landowner, the other to the factor.

Cash books.

Normally an estate factor kept more than one cash book. The common pattern was for a cash book to be kept noting receipts and payments as these were made, but for a more elaborate 'day book' or 'journal' also to be kept in which analysis of the income and expenditure was made prior to posting this into ledgers or placing it in the accounts. In some instances there will even be found draft and formal cash books, though this was uncommon.

Ledgers.

These may normally be classed as General Ledgers, Debts Ledgers, and Interest Ledgers. The General Ledgers were those from which the estate factor's accounts were drawn up. The Debts ledger was a feature mainly of the larger estates where the inclusion of each of those lending to the estate and receiving interest would have swelled the general ledger to unwieldy bulk. Interest ledgers were a sub-branch of the debt ledger, from which they could be drawn up.

Records of Bonds and Bills.

When a landowner or his factor granted a bond or bill it was given, of course, to the creditor, but it was desirable for the granter to keep some record of the debts he had incurred. In some instances this did not happen, and in others scribbled notes in cash books or letter-books are the only evidence kept by the landowner that a bill or bond had been granted. In other cases, however, a more formal record was taken. The earliest, for instance, on the Findlater estates begins in 1764.⁽¹⁷⁾ The first Register of Securities on the Gordon Castle estates begins much later, running from 1805 to 1826.⁽¹⁸⁾

Register of Factory Accounts.

Common early practice was for the copy of the factor's accounts which the landowner received to be used as the wrapping

for the vouchers. However economical this may have been it did not make for ease of consultation. On the Seafield estates in the 1740s it became practice for the landowner's copy of the accounts to be engrossed and docqueted in bound volumes.⁽¹⁹⁾ On the Gordon Castle estates the Registers of Factory accounts begin with Crop 1768 and are purely copies made after docqueting.⁽²⁰⁾ To this practice of engrossing without regard to docqueting the Seafield estates turned after 1811, probably because of the change from auditing in the locality to auditing at Edinburgh.

States of Accounts.

Where an estate was under the management of several factors their accounts required to be consolidated to give the owner a picture of his income and expenditure. In many instances this was done by the owner himself, often on small detached pieces of paper in a rudimentary and sometimes scarcely legible manner. There are several such exercises by Sir James Grant of Grant scattered throughout the Seafield Muniments, the most elaborate, a "Memorial" drawn up in 1774, written by his estate clerk, considering also the sale of part of his estates for reduction of debt.⁽²¹⁾ In some instances the states which were made up were compiled on the basis of gross rental, in others, as with those for the Findlater estates from 1784 to 1810, on the basis of the free rent.⁽²²⁾

Cartularies and registers of leases.

These were most common where a large number of small grants of land were being made, as, for instance, when a planned village was being feued or let out on building leases. Registers of leases were not usually verbatim copy of the leases granted but the record of the meetings at which, when a general vacancy of farms in an area took place at the same period, these were re-let.

Letter-books.

On the Gordon-Castle estates these were introduced when James Ross transferred as Cashier from the Findlater estates in 1769. They commence slightly earlier, in 1764, on the Grant of Grant estates. Since, however, there was no mechanical means of copying there was a degree of selectivity in what was copied in. With the increase of estate staff, and with a tendency for small factorships to be merged under a full-time factor, these gradually became more comprehensive. Mechanical copying, by chemical alteration of the ink and the use of a press, was invented by James Watt, the engineer, around 1780 and used by him for his drawings,⁽²³⁾ but little used in estate offices until after 1850. Press-copy letter books had become almost universal by the end of the nineteenth century and only in recent times have they been supplanted- their employment continued after the typewritten letter had replaced pen and ink, their death-knell apparently being sounded by growing use of the ballpoint pen.

Arrangements for dealing with incoming correspondence varied. General James Grant of Ballindalloch kept his in roughly alphabetical arrangement of correspondent with separate bundles for the major correspondents and miscellaneous bundles for each letter of the alphabet. The correspondence was normally docqueted with the name of the correspondent and date of the letter. Gordon Castle correspondence was similarly docqueted from the time of James Ross, but kept in monthly bundles, though there were also bundles formed of letters relating to particular subjects. The arrangement causes some difficulty, since there are few subjects on which there are not relevant letters in the chronological as well as the subject series and many of the letters in one subject file contain matter

logically appearing elsewhere. Such difficulties are, however, almost inevitable, and the system which Ross left behind him for the care of the archives at Gordon Castle was almost incomparably more advanced than the chaos which had preceeded.

Sederunt Books.

Where decisions were to be taken not by one man, but by a number, as where property was owned by a company or under trustees or Commissioners, sederunt books of their principal proceedings were frequently kept. Where these are available they are a source of the first value. I have examined Sederunt Books relative to the estates of the Dukes of Gordon, of the Marquis of Huntly (formerly Lord Aboyne), Earls of Findlater, Aberdeen and Erroll, of the Annexed Estates Commissioners and of the Merchant Maiden Hospital. Their completeness varies considerably- those on the Findlater estates begun in 1770 fade out with unengrossed minutes in 1782 leaving 30 years during which the estate was mainly administered by Lord Findlater's Commissioners with the only record of their proceedings contained in their correspondence. (24)

Household books etc.

Accounting was not only necessary at the general estate level, but also for a wide variety of minor servants. These were, in general, made to take their stock on inventory and to account for what was used or added. Thus with the household one finds inventories of linen, plate and furnishings, and journals of produce bought in and liquor bought or dispensed. On the home farm records required to be kept of stock and of purchases and sales. Even the builders and masons had to keep, in the case of the Findlater estates, ledgers of timber, nails, paint and other materials. (25) Similarly simple records had to be kept by moss-grievs, limers, estate gardeners, and foresters of what they received and sold. On some estates there

may also be found records such as those of Duncan Grant, manufacturer, where an owner was attempting to introduce industry into his estate. Such minor records are, however, normally self-explanatory and bear little relation to the main classes of record coming under the direct oversight of the estate factor.

Surveying records.

From the preceding chapter it will appear that the cost of survey of an estate could be considerable. When Provost George Brown sent his account for £1086:6:11d., referred to on Page 233, there was addressed also to John Menzies, Cashier to the Duke of Gordon, a letter:- (26)

"...I am now of days almost afraid to look at the Charges and expense of travelling and moveing from one place to another, it being near equal to the Charge for the bussiness; but you cannot get a scabbed Highlander to make props under 2/6 per day...

I should be extreemly mortified if His Grace, or you as acting for him, should think any part of the Charge above the mark, tho the Charges makes it come high. But I can say that I have not raised them one shilling now nearly this 40 years, and they were then fixed by the late Mr Barclay of Ury and your acquaintance Birkie Lumsden, who were both most particular friends of mine earlie in life.

My Charge for Surveying has uniformly been 20/- per 100 acres (exclusive of all Charges) for a neat Rude Draught and Contents, when a fine plan was wanted 5/- per 100 acres more for it. But I now see that I have been working for nothing in comparison of others who have no such right to lead. The day after you called here, I had a letter from Abergeldie, who had employed Mr [Colin] Innes to Survey his Estate (only a half bread surveyer, being only a few months with me). The Laird paid all assistants, Board and Lodging etc. and Mr Innes Charges him 40/- per 100 acres and 15/- per 100 more for the plan. I mentioned to the Laird what I had always been in the practice of chargeing which was well known to Mr Innes. You'll see that if this be now the practice about Aberdeen that I have been working for less than half price. But I am now to[o] old to make any alteration, and I as[s]ure you I shall not attempt it- tho in the survey of Invercauld, in Abergeldie's closs neighbourhood, was I to charge as Mr Innes it would make a difference of above £1500 sterling. I mention this to you as a curious thing, with no design, as I shall never take the advantage thereof....."

Few field sketches survive among estate muniments, these normally being retained by the surveyors. As Brown makes clear either

"Rude Draught and Contents" or a "fine plan" might be required. Despite the title the "Rude Draught" was normally a fully completed map, though commonly this remained on paper while a "fine plan" was frequently mounted on linen. It was not uncommon for the table of contents on the map to be replaced by a "Book of Reference." In this, which gave the acreages, division of the land use into arable, improveable pasture, pasture, waste and woodland often being made, a column was often left for rent per acre to be inserted. Frequently the actual measurement and mapping of the lands was performed by a journeyman surveyor while his employer later visited the lands and made the valuation. Thus, for instance, John Blackadder, surveyed the Earl of Aberdeen's lands, the valuation being made by Alexander Low.⁽²⁷⁾

The use of such records is fraught with difficulties. Many of the measurements made were inaccurate and, where unsuspect on that ground, may be inadequately revised copies of earlier maps. This gives a correct total acreage for a farm, but a picture of land usage bearing little resemblance to reality. Often it is impossible to tell, without access to estate accounts, that maps are suspect. At first appearance George Campbell Smith's plans of Urquhart from 1828 and Alexander Duncan's plans of Strathspey from 1848 have evidential value, but, in each case, they are direct copies of the surveys by Provost George Brown. For the Urquhart copies G.C. Smith was paid £88:12:11d. on 1 March 1830 and for the Strathspey plans Alexander Duncan received £188:7:6d. between 27 May 1847 and 10 June 1850.⁽²⁸⁾

The moral is clear. Not only is it necessary to use primary sources but to examine with extreme persistence and care.

I have been all too conscious of the difficulty of doing so. On 7th March 1871 a remit was made to Adam Gillies Smith, a chartered accountant, to report on the accounts from 1811 to 1840 of Colonel Francis William Grant, later 6th Earl of Seafield, as Curator to Lewis Alexander Grant, his elder brother. These had been regularly audited by John Stuart, a native of Banff-shire, Accountant to the Board of Trustees for Fisheries and Manufactures, and by William Stuart, his son, trained with his father and with Henry Mackenzie, Writer to the Signet. Yet for his interim report there was charged £525 as his own fee and £2428 for his clerks' time, being 1165 days' time of a senior clerk and 98 days work of other clerks, a further £221:2:9d. being due for writings.⁽²⁹⁾ Some impression of the daunting nature of the task facing those attempting to use archival sources to monitor the picture of agrarian change derived from literary or improving sources may be conveyed, yet in England this has been done in considerable measure, and in Scotland the task must be faced.

CHAPTER 9.
CONCLUSION.

Professor E.L. Jones, reviewing Dr. David Grigg's The

Agricultural Revolution in South Lincolnshire, wrote:- (1)

"It may be helpful to consider the first section of the book in terms of Kuhn's The Structure of Scientific Revolutions. According to this, science (and perhaps we may say social science) always rests on a paradigm which directs 'normal science' to make investigations of which the results are predictable within a rather narrow range. Novelty is not sought. But when findings unassimilable to the paradigm accumulate, they ultimately spark a scientific revolution which forces its replacement by another. It is almost a paradigm of the economic history of agriculture that significant technical change in English agriculture, and an appreciable increase in output, first came in the late eighteenth century when new rotations were introduced on land enclosed by Acts of Parliament. Workers in the field are 'expected' to produce scholarly confirmation of this from their chosen localities. Most do, or did. Dr. Grigg certainly is too informed to fall wholly for this old brand of schematic history, now that journal articles are beginning to spread the so-called agricultural revolution over at least two centuries, with different (and progressively more expensive) institutional and technical transformations succeeding one another...While Dr. Grigg often acknowledges recent findings of pre-1750 advances he again and again insists on the old, conflicting view that only the period after 1750 was significant, its achievements founded upon parliamentary enclosure and the Norfolk four-course."

There has been a grave danger of recent years that the agricultural history of Scotland would be written on the basis of sources discredited in England, incorporating explanations of change once fashionable there, but now suspect. This is particularly true of the writings of agricultural improvers.

Reviewing the County Reports of the Board of Agriculture between 1794 and 1815 Lord Ernle could conclude that:-

"The general impression left by this mass of evidence is that the agricultural defects of the intermixture of land under the open-field system were overwhelming and ineradicable; that as an instrument of land cultivation it had probably deteriorated since the thirteenth century; that no increased production or general adoption of improved practices could be expected under the ancient system."

Dr. J.A. Yelling, who quotes Ernle, continues:- (2)

"These views are no longer acceptable...There is now considerable agreement that the common fields were much more flexible than once was thought, and that, far from deteriorating during the period under consideration, great advances were made in certain directions. Linked with this is the evidence..."

concerning the growing commercialisation of farming in the common fields...But how was this achieved? Obviously, the innate conservatism of owners and occupiers has been overstated...Could the smallholder really veto the introduction of new practices, or was the reverse the case, so that, as E.L. Jones has suggested, common-field organisation provided a mechanism whereby large or progressive owners could enforce their policies on others?"

Contemporary opinions of many of the leading propagandists now much quoted were often scathing. John Wilson visited

Arthur Young's farm on 24 May 1770:-(3)

"In the yard I took notice of a large muck hill turned up and in very good order, but upon nearer examination found that almost two thirds of it was Clay which had been carried into the yard before winter, and had been turned up together with the dung in spring, but so far from incorporating with it that it was run into lumps ten times tougher and more stubborn than when carried into the yard. His implements of husbandry are so many and various, and their several uses and perfections describ'd with such volubility of tongue that I can say little about them. His soil is a strong gravelly Clay. His Crops of Corn I did not see any. One field of Lucerne he show'd me sown broadcast 20 lib. to the acre, but instead of mowing four times, I doubt much whither it will ever mow once. Another do. misgiven- plowing up for Cabbages. A field of Cinque foin much in the state of the Lucerne and another of Burnet very little better."

More succinctly George Brown on Sunday 18th August 1799 noted:-(4)

"A fine day. Dined at Thurso East with Sir John Sinclair, from whom I heard much nonsense."

William Lorimer was equally pointed with Jethro Tull:-(5)

"Tull's Husbandry too expensive- many people have been ruined by it.- A Rational husbandry may be carried on for less."

Where the information given by authors who were improvers can be checked, they are often wrong, tending particularly to exaggerate the activities of present occupants at the expense of their predecessors. This is well-known in the case of such English writers as Coke of Norfolk and Arthur Young, but Scots agrarian writers frequently seem to be accepted at face value even though, when their remarks can be tested, they seem little better than their English contemporaries. Thus, for example, Andrew Wight by

implication denigrates James Willox or Macgregor's predecessor as tacksman of Ballimore in Strathspey while there is considerable evidence that he improved considerably.⁽⁶⁾ George Robertson's Rural Recollections suggest that "lime, as a manure does not appear to have been much used till about the year 1750." To the considerable body of evidence that has already been adduced that this is untrue for the Central Lowlands of Scotland there may be added William

Lorimer's statement that:-⁽⁷⁾

"Rothiemurchus likewise told me that tho' there is great plenty of Limestone in Strathbogy, yet not one grain of Lime had ever been used there for the Land till 1717 after the Suppression of the Rebellion, in which many of the Strathbogy people having been engaged, happened to be in Fife, where they saw Liming of Lands practised with great Success, and therefore followed the Example in their own Country, when they returned and had settled."

Robertson suggests that the drilling of turnips in Northumberland did not begin until about 1780. From Ramsay of Ochtertyre's Scotland and Scotsmen in the Eighteenth Century drilling of turnips was being practised in several areas in the Scottish Lowlands shortly after 1750. Why should well-informed Scottish improvers send their protégés to Northumberland, as William Forbes was in 1765 (p.157) and John Wilson some years later if in such an important matter it was backward? More remarkable is Robertson's misdating of the introduction of the Rotheram plough, which he places about 1772. The Transactions of the Society of Improvers in 1743 had not only contained an engraving of the plough but also listed the most competent among the Scottish plough-wrights manufacturing them.

In 1911 two seminal books on English agrarian history were published, H. Levy's Large and Small Holdings and The Village Labourer, 1760-1832, by John Laurence Hammond and his wife, Barbara Hammond. According to Levy in the late eighteenth and early nineteenth centuries the "irrestible force of the economic conditions" was "sweeping away the old system of agricultural holdings" bringing about "the extinction of the yeomanry." Early in the nineteenth century, he stated, "small holdings disappeared in hundreds to be replaced by larger ones." His argument was largely that, with a change in the balance of agricultural produce from cattle to grain or to sheep in many areas, economies in labour costs could be obtained by amalgamation of farms. The Hammonds' book, which achieved much greater popularity, saw enclosure under Act of Parliament as the device of the powerful landowner to benefit at the expense both of the smaller owner and of the cottager with customary rights of grazing. Perhaps the picture they painted was best described not in their own words but in those of Professor D.G.

Barnes, who proclaimed that, after 1815:-⁽⁸⁾

"Agricultural society was now divided into three main classes: the landlord, the large farmer and the agricultural labourer who was subsisting in part on poor rates. Many tenant farmers, cottagers, and squatters, when they were not among the fortunate few who became large farmers, or started factories in the North, were reduced to the position of Speenhamland agricultural labourers, or helped to swell the ranks of the proletariat in the new industrial cities."

In a note in the Cambridge Historical Journal in 1923⁽⁹⁾ and in one of the most influential books on modern British economic history in 1926 Sir John Clapham attacked the view that the pattern of

society which Professor Smout has portrayed as the aftermath of the agrarian changes was general:--(10)

"There are figures in the census of 1831 which illustrate, with some precision, the extent to which really small farming had survived in Britain. They are entirely destructive of the view that, as the result of agrarian change and class legislation, an army of labourers toiled for a relatively small farming class."

A recent writer has said of the Hammonds:--(11)

"What their book did was to take the links connecting enclosure with class conflict and the power of the landed interests and express them much more powerfully. This was achieved in part through...style, and indeed...presentation: the role of landlord power was placed in stark perspective because no other factor was discussed."

The Hammonds did not refute the kind of economic analysis that Levy had put forward; instead this was implicitly accepted and then simply bypassed. They maintained that the history of engrossment in England was not the result of forces over which no one had any control, and that the adverse effects could have been prevented or at least severely curtailed. The fact that they were not was due to the immense concentration of political and economic power in the hands of the large landlords...In effect whatever the complications in the chain of events that led to the development of a distinctly English land-holding system, the Hammonds give the impression that the real cause was the power of the landlords."

The tendency to stress the power of the landlords and ignore legal, financial, economic or geographical constraints has been clear in a number of recent Scottish works. Such an outlook may produce attractive literature, as with the Hammonds, but certainly produces poor history.

Gilbert Slater, in his book The English Peasantry and the Enclosure of the Common Fields,⁽¹²⁾ published 70 years ago, distinguished three stages in enclosure, though these might not take place at the same time or in the same order:--

"(1) the laying together of scattered properties and consequent abolition of intermixture of properties and holdings,

(2) the abolition of common rights, and

(3) the hedging and ditching of the separate properties.

The third process is the actual 'enclosing' which gives its name to a series of processes which it completes."

A survey such as that by William Menzies of the extensive estate of Strichen in 1768 shows that, if runrig had ever been common, only a tiny proportion remained. It may be suggested that, where

estate rentals show several tenants as holding a farm, there has been too great a readiness to assume they farmed the arable communally or in runrig. Distinctions between patterns of land tenure before and after the 'improving landlords' have been too clearly drawn.

In suggesting that a major transfer of landownership and invasion of the landed classes by entrepreneurs took place in the period between 1765 and 1815 Professor Smout has, I have argued, relied heavily on literary evidence. In light of the statistical evidence adduced of land remaining substantially in the hands of the traditional holders, I would suggest:-

(1) that the growth of a substantial financial market occurred, part of which could be used by the landowners to finance agricultural change, though much was squandered by them on expenditure irrelevant to increase of agricultural output. Many also benefitted in considerable measure from fresh sources of current revenue other than their rents from agricultural produce. Much of what was relevantly and usefully spent went towards the improvement of transport and marketing, not direct investment in dyking and building.

(2) gradual substitution of payment or rent wholly in money instead of in a combination of money, customs and services, enabled estate managers to deal with larger areas and exercise more effective control. It also increased the flexibility of the tenant in the management of his affairs, enabling him better to employ his time and exploit market opportunities.

(3) employment of surveyors ensured that, when disputes as to marches between estates and farms, with relevant common rights, were settled, this was usually permanent, while a large portion of the time of earlier factors had been taken up in quibbling over ill-defined rights.

(4) growing debt on the part of the traditional landowners increasingly brought reliance on trained, professional, managers.

(5) important scientific discoveries and technological advances were made which could not be ignored and had profound implications for agriculture.

(6) the improvements made by the tenants were, in many instances, the outcome neither of conditions in their leases from the landlord nor of advances of capital from him. Many were made by the tenants not on the basis of any legal claim for recompense but in trust that the landlord would renew leases when they fell out, enabling the tenant to recover the benefit of unexhausted improvements. Though this trust was not infrequently breached, it would have been completely rash had there been a high turnover in landownership.

(7) Only in limited measure should the changes be seen as stratification of a previously undifferentiated society. Prior to 1750 a high proportion of the farmed land was already in the hands of large tenants who did not mix socially with the poorest classes on the land and after 1850 the mass of farms were still family farms with the tenant and his children supplying the labour.

(8) The tendency to concentrate attention on the century between 1750 and 1850 has minimised both what had been done before that era and what remained to be completed after it.

In 1867 George Gordon Mackay, land surveyor, inspected the farms in Strathspey.⁽¹³⁾ He found a confusing pattern. Many of the tenants were reported as slovenly, idle or bad husbandmen. Considerable areas, though not common grazings to whole parishes, were common to neighbouring farms. Though in many instances both houses and steadings had been improved, a considerable number were described as insufficient. One farm, that of Carr, was held on

"the old runrig system". Yet in large measure, by use of the tenants, considerable gains had been made. A report of 14 January 1871 by John Smith, the Factor, stated, presumably on the basis of Mackay's Report, that the arable acreage, apparently 12034 acres in 1808⁽¹⁴⁾ had increased, including 422 acres laid down in pasture from arable, to 15804, while arable land had also, in some instances, been used for planting.⁽¹⁵⁾

The tenants were still engaged in struggle with the bringing in of new land. On the farm of Shillochan, in the parish of Duthil, there were in 1867 about 39 arable acres. By 1951 this had been increased to about 89 acres of ploughable land. In 1875 the landowner advanced £40:12:6d. on trenching, on which he was paid interest at 6½%. In 1876 the landowner spent £474 on a steading and dwelling house with a further £193 on the steading in 1899. As had occurred in Aberdeen-shire (p.85) this expenditure, on which the tenant paid interest at 5 per cent, proved too much for the tenant. From 1868, when it stood at £30:13:6d. to 1878 the rent had more than doubled- in 1880 the tenant was, for the first time, in arrear with his rent and in 1886, when the Crofters' Commission began reducing rents and slashing arrears throughout the Highlands the estate found it politic to write off £140 of arrears and to reduce to £52:10s. the rent, which had stood at £65:9s. By 1968, when the decision was taken to amalgamate the farm as no longer a practical independent holding, the valuation placed thereon by the estate factor was £250 per annum. The only major expenditure by the landowners in the interim, in conjunction with the Department of Agriculture for Scotland, had been in straightening and embanking the adjoining river which had, through extensive denudation of forestry for war purposes and drainage for fresh planting, become subject to uncontrollable spates.⁽¹⁶⁾

Further research is required to show how far this was typical, but certainly it is clear in this instance that, as in Aberdeen-shire in the earlier nineteenth century, the tenants were the principal contributors to agrarian development.

Perhaps it was right that this should be so. Outwith his own times George Robertson often floundered out of his depth. But of what lay within his own experience he has much to say of value, most notably his observation that expenditure by the landowners was frequently for embellishment and that the tenants were the most effective agents of improvement.⁽¹⁷⁾ It would have been happy for some owners had they learned from him. The remarks of the Rev. Donald Martin to the Napier Commission concerning the Duke of Sutherland and Sir James Matheson demonstrate the difficulty of any other approach:-⁽¹⁸⁾

"My observations throughout the Highlands have led me to the conclusion that most, if not all of the lands that exist, either as arable or pasture farms, have been made what they are by the crofters that once occupied them and redeemed them, in part at least, from waste throughout their long term of occupancy. I believe that the crofters have in the past been the real improvers of the Highlands for ...where the proprietor has worked directly the work has been altogether or in part a failure. I have heard it said...that the Duke of Sutherland now repents not having given out the ground in Sutherland to those who would have in time taken it in, in place of himself spending so much upon it, the return for which he will never get. As to the Lewis, no greater mistake...could have been made than to assert that Sir James never did anything for this island. Figures and facts prove the contrary; Sir James must get his due. But these improvements were in a great measure a mistake according to the chamberlain's own evidence...I firmly believe that if Sir James were alive today he would be the first to acknowledge his mistake...If instead of spending his money as he did with the noblest of intentions, he had devised a scheme either of loan previous to or of compensation after improvements, to the people themselves, more land would by this time have been reclaimed, more permanently improved at less outlay, and with the money returned by this time in rent, interest, and land value...."